DISSENTING MINUTES

TO THE

REPORT OF THE COMMITTEE

ON CONSTITUTIONAL REFORM

IN NYSORE

1923

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CONTENTS

Dissenting Minute of :—

1. *Rajasevasaktha* Mr. S. Hiriannaiya 1
2. Mr. B. S. Puttaswamy 6
3. Messrs. Mahomed Abbas Khan, J. Mahomed Imam and Mahomed Hanief 9
4. Mr. J. Mahomed Imam 11
5. Rev. W. E. Tomlinson 17
6. Srimathi K. D. Rukminiamma 19
7. Mr. R. Chennigaramiah 22
8. Mr. D. H. Chandrasekharaiya 25
9. Mr. T. Ramachandra 35
10. Bhoopalam R. Chandrasekharayya 51
11. Mr. P. Mahadevayya 145
12. Mr. D. V. Gundappa 223

EG-034

(1)

MINUTE OF DISSENT

BY

Rajasevasaktha Mr. S. Hiriannaiya.

The Goal of Constitutional Reform in Mysore.

I regret I cannot agree to the proposal of my colleagues to recommend a declaration on the goal of constitutional advance in Mysore.

The history of such declarations is not encouraging. The Montagu Declaration of August, 1917, on the analogy of which the present recommendation is evidently made, raised more problems than it solved. Within the last few months, the Balfour Declaration about a National Home for Jews in Palestine has become the subject of acute differences of opinion as to its correct interpretation, and the British Government is charged by one of the parties with breach of faith. Lord Curzon tried to explain away the famous Proclamation of Queen Victoria. Such declarations, if they are to be of any use, should be free from ambiguity and equivocation, should be definite in scope and should be capable of being implemented by the Government in the near and not in an uncertain future. If the promises held out and the hopes raised are not for any reason fulfilled, there will be justifiable political discontent in the country, which it should be the part of statesmanship to avoid. Political developments are notoriously difficult to prophesy, and even when their general outline can be foreseen, it is never an easy task to express all the implications in a precise formula. Vague and nebulous statements only end in profitless controversy.

With due respect to my colleagues, it seems to me that the declaration proposed by them is not free from such defects. Advocates as well as opponents of responsible government may, with equal cogency, cite the

declaration in support of their respective interpretations. The declaration is to be as follows :—

"The goal to be kept in view in all constitutional reforms in Mysore should be the establishment of a system of responsible government under the authority and protection of the Sovereign, *i.e.*, a system in which the administration is carried on by a Cabinet of Ministers appointed by His Highness the Maharaja and enjoying the confidence of His Highness and the support of the Legislature; the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness's subjects, including the minorities, as well as to satisfy the terms of the Treaty with the British Government remaining unaffected and supreme in all circumstances."

What is to happen—it is permissible to ask—if the Sovereign is unable to find a body of Ministers who besides enjoying his confidence also command the support of the Legislature? Is he to choose his own nominees, though they may not have the support of the Legislature? If so, the second condition becomes superfluous and should be eliminated. If, on the other hand, it is the idea that he should invariably select only those Ministers who enjoy the support of the Legislature, whether or not they possess his confidence, then the type of government will be indistinguishable from "Full Responsible Government," and it is better to say so plainly. The dilemma involved in the Committee's formula is insoluble, and the constitution proposed is liable to frequent dead-locks with no remedy to meet the crisis short of suspension. The declaration will not satisfy any section of political opinion in the State—least of all will it satisfy the Mysore Congress, whom, I imagine, it is designed to placate.

My colleagues are anxious—and I fully agree with them—that adequate safeguards for the protection of minorities should be incorporated in any scheme of reforms that we might recommend, and they have accordingly embodied in the formula under consideration the words "the powers of His Highness to safeguard the interests of all classes of His Highness's subjects, including the minorities, etc., remaining unaffected and supreme in all circumstances." But will these safeguards be effective? From the deliberate choice—to the exclusion of all other alternative suggestions—of the expression "Responsible Government," which has acquired a definite and well

understood connotation in political parlance and the observations in Paragraphs 119 and 240 of the Report, it is obvious that my colleagues intend—notwithstanding the inconsistency with the conditions in the declaration—that the power of making and unmaking Ministries, which is of the very essence of "Responsible Government," shall ultimately be vested *solely* in the Legislature. If so, the reserve powers of the Maharaja will in practice become *inoperative*, though advocates of responsible government are chary of admitting the fact. The recent Orissa example must have made it clear to all that the Governor's veto is more nominal than real. Similarly, and perhaps even more so, reserve powers theoretically vested in a ruling Sovereign will become wholly illusory. It should be unnecessary to labour this point but for the insistent assertion before this Committee and outside by supporters of responsible government that they do not seek to interfere with the existing powers of the Maharaja in the administration. Let us test this contention by considering a practical example. Suppose, the Ministry in power proposes a system of communal rotation for promotion in the public services—not an unlikely event as we know from what happened in Madras under the Justice Ministry—and the Maharaja vetoes the proposal as unjust and unwise. What will happen? The Government will resign; and the Sovereign will not be able to get an alternative Ministry, as the latter will not be able to command a majority in the Legislature. The dissolution of Parliament is the only other solution, but no wise monarch will appeal to the country and place himself or set up "a king's party" in opposition to a section of his own subjects. It is inevitable, therefore, that he must yield and allow the Ministers to have their way. "A political veto could be exercised by an elective President, not by a constitutional Sovereign" says Dr. Keith (P. 204 "The King and the Imperial Crown"). The result will be that the minorities—particularly communal minorities—would be deprived of all protection.

These considerations make it abundantly clear that under any scheme of responsible government not merely the reserve powers, but the entire authority of the Ruler will vanish. Writing about the position of a "Constitutional Monarch" under responsible government, Sir William Anson observes—"The King should not take

advice from others in matters of State unknown to them (Ministers), he should not give public expression to opinions on matters of the State without consulting them and, it may be added, without conforming his opinion to their views, so far as they desire, and so long as they remain in office, he should accept the advice tendered to him by them as a Cabinet and lend them his support."

In other words, the Ruler in such a government cannot ever give expression to his opinions on political matters, except with the leave of and in conformity with the views of his Ministers. The people of Mysore are deeply attached to the Ruling Family, and there is a large mass of patriotic opinion in the country which would view with abhorrence any attempt to deprive the Ruler of all his powers and reduce his position to a shadow in the government of the country. Under the beneficent rule of three Sovereigns we have prospered for sixty years and have now a Government which for purity, efficiency and responsiveness to popular views and sentiments is hardly equalled by any Government in India. Would it not be a strange return now to ask that the powers of the Ruler should be taken away ?

And who is it that will exercise these powers under responsible government ? Perhaps, a party caucus perhaps Ministers with authoritarian tendencies who would show scant respect to views and opinions not their own! Let us not have autocracy anywhere ; let us, to this end, interpose the necessary checks and balances, but let us take care that we do not at the same time install a new autocracy under the guise of "Responsible Government." Let us liberalise the machinery of government—not excluding the chief executive—by adopting all the devices of a democratic constitution, but let us stop at eliminating the Ruler entirely from the picture! No doubt, the retort will be made that "good government is no substitute for self-government" ; but is there not at least as much truth in the converse of that somewhat overworked slogan ? To many, it is equally true that self-government is no substitute for good government.

Oriental kingship and occidental polity do not wholly go together. In the scheme of reforms proposed by us, almost every feature and safeguard of a fully democratic

constitution, except Ministerial responsibility to the Legislature, has been adopted, but such responsibility is not a *sine qua non* of true democracy. It does not exist in the government of the most democratic country in the world —the United States of America. Let us not, therefore, too hastily commit ourselves to the scrapping of the entire structure; let us remember the wise caution uttered by Sir M. Visvesvaraya not to allow "a rash break with traditions," but build on existing foundations. Let us adopt all that is wanted to satisfy our present political needs and leave the further evolution of the constitution to the future.

BANGALORE,
19th August, 1939.

S. HIRIANNAIYA.

(2)

NOTE OF DISSENT

BY

MR. B. S. PUTTASWAMY.

Goal of Reform.

I feel constrained to append the following note of dissent in regard to the formula of the ultimate goal to be kept in view in the constitutional advancement of our country. In fact, in the beginning, I was one of the members of the Committee who felt that a declaration of the ultimate goal of constitutional advance was neither desirable nor necessary. While I feel that there is much force in the objections raised against such a declaration, I am of opinion that the balance of advantage would still be in favour of such a declaration, provided we can have a formula which would be consistent with the fundamental political ideology and conditions and circumstances of our State.

The formula that is now recommended by the majorty of the Committee does not commend itself to me as it carries within itself the seeds of conflicting ideas. It lays emphasis on a form of government "in which the administration is carried on by a Cabinet of Ministers appointed by His Highness the Maharaja enjoying the confidence of His Highness the Maharaja and the support of the Legislature." This amounts to the Parliamentary form of government that is obtaining in the United Kingdom. The King in England, in theory, appoints Ministers who enjoy his confidence, but, in actual practice, the King has no choice in the matter of appointing them, nor are the Ministers removable at the King's pleasure. They hold office so long as they enjoy the confidence of the Legislature. My colleagues, who are in sympathy with this formula, emphasise also that the Ministers should in fact be appointed by the Ruler himself, and that they should be doubly responsible to the Ruler as well as to the Legislature. Such a device of

double responsibility is sure to result in conflicts. There will also be a tendency to over-emphasise Ministerial responsibility to the Legislature and to treat the responsibility to the Sovereign as a matter of mere courtesy. I feel therefore that by defining " Responsible Government " in terms of the proposed formula, we are unconsciously introducing opposing elements which, in process of development, act as the thin end of the wedge to destroy the very basis of our constitution which we seek most to preserve.

The formula next refers to the vesting in the Maharaja of powers by way of constitutional safeguards for implementing the Treaty obligations and also for ensuring peace, order and good government, as well as for protecting the interests of the minorities. On a careful reading of the formula, it will be seen that these safeguards will at best be analogous to the special responsibilities placed on the Governors and the Governor-General under the Government of India Act, 1935. But we have seen that in British India an attempt is being made to reduce these responsibilities to a nullity. The natural inclination of a popular Ministry, especially when it is lured by an ideal which is embodied in a declaration, is to encroach on the region of reserve powers and try to realise the ideal rather than idealise the real. The Ministry begins to grasp at power, while the Sovereign repels such encroachments, with the result that unpleasant friction follows. If the Sovereign in whom the special powers are lodged is weak, these powers become ineffective. If he is strong, there will be deadlocks and crises. We must therefore so define the goal as to avoid such conflicts.

What we need most, after all, is that the general will should manifest itself in all governmental activities of a country. If that is admitted, the form of government is not of much importance. It is perhaps on account of this that Mahatmaji, in one of his statements, said that the people of the Indian States should concentrate on the essence and substance of responsibility and not on the form of " Responsible Government." The general will of a country can manifest itself in other forms of government also. I feel that any declaration of goal should merely enunciate an ideal based on a principle and not go into details by which such a goal is to be attained. The present formula restricts political growth along the lines of the

Parliamentary form of government to the exclusion of every other form, thus imposing a limitation on a free and evolutionary growth of the constitution. I believe that no one has a right to bind posterity to a specific and definite pattern of government. It is mainly for this reason that I have left in my formula the form of "Responsible Government" undefined. For these reasons, I consider my formula preferable to that of the majority. The chief merit of my formula is that, while it leaves the future development of the constitution to the unfettered play of natural forces and tendencies, it avoids all sources of conflicts and complications. Besides it is simple and clear.

BANGALORE,
24th August, 1939.

B. S. PUTTASWAMY.

(3)
NOTE

BY

MESSRS. MAHOMED ABBAS KHAN, J. MAHOMED IMAM AND MAHOMED HANIEF.

Muslim Representation.

(1) The Representative Assembly and the Legislative Council.

The Committee has allotted 26 out of 300 seats in the Representative Assembly and 4 out of 68 seats in the Legislative Council to the Muslims of the State. A study of the following table will show how really inadequate is the representation so reserved for Muslims under the new constitution.

Name of the Province	Percentage of Muslim Population	Muslim percentage to total number of seats	Muslim percentage to general seats
1. Madras	7	13½	20
2. Central Provinces ...	4⅔	12½	17
3. Orissa	1½	6⅔	9
4. Mysore (Representative Assembly) ...	6½	8⅔	12½
5. Mysore (Legislative Council).	6½	7⅞	12½

In Madras, the Muslims are given weightage twice as much as their population. In the Central Provinces, they are given three times as much, and in Orissa four times as much as their population; whereas in Mysore our weightage is only 1½ times of our population. From these facts and figures it is obvious that the Muslims have not been given the weightage that they deserve. We would, therefore, plead that the Muslims of Mysore should at least be

given the same percentage of seats as are given to their brethren in the Province of Madras both in the Representative Assembly and the Legislative Council.

(2) *Federal Assembly and Council.*

The Committee did not think it fit to reserve seats for the Muslims in these bodies. In British India, statutory provision has however been made for Muslim representation in the Federal Assembly and Council from the Provinces. Muslims from Madras have been given 4 out of 20 seats in the Federal Council and 8 out of 37 seats in the Federal Assembly. Why should not the same consideration be shown to us in Mysore? We are not dissimilar to them in any respect. We would, therefore, urge that at least one seat in the Federal Council and two seats in the Federal Assembly be reserved for the Muslims.

(3) *Executive Council.*

The Committee is reluctant to make provision in the constitution for Muslim representation in the Executive Council. Some of our colleagues suggest that a convention to reserve a seat for the Muslims in the Executive might as well be established. They say that when the Dewan happens to be a Muslim, we should not ask for another representative in the Executive. We do not agree with this view. We would insist upon provision being made in the constitution for Muslim representation in the Executive irrespective of the fact whether the Dewan is or is not a Muslim.

Bills affecting Religion.

Islam does not admit of secular interference in religious matters. Even a Sovereign cannot interfere with religion. We are therefore strongly of opinion that no bill affecting Muslim religion and religious usages and practices should be introduced in the Legislative Council with or without the sanction of the Sovereign or the Dewan at all.

BANGALORE,
24th August, 1939.

MOHOMMED ABBAS KHAN
J. MD. IMAM.
MD. HANIEF.

(4)

SUPPLEMENTARY NOTE

By

Mr. J. Mahomed Imam.

The Committee has decided by a majority to allot for Muslims 4 seats in the Legislative Council and 26 seats in the Representative Assembly out of 68 and 310 seats respectively. This number is quite inadequate and will not satisfy the Muslim community. Under a system of popular government, weightage is necessary for Musalmans to protect themselves against any encroachments on their religion, culture and language. The weightage given must be effective enough to fulfil this object, and according to the late Justice Ameeralli, effective representation means that if the Musalmans throw their weight with what is called a non-partisan party, the issue should be decided accordingly. It is with this object that weightage is asked for and not to have few more representatives.

This principle has been recognized and adopted in British India.

The Musalmans in Madras get weightage twice their population, in the Central Provinces three times and in Orissa four times, whereas the weightage proposed under the proposed constitution in Mysore is 1½ per cent more than their population basis. It is but right that the weightage adopted in Madras should be given in Mysore, as the conditions in both these countries are similar.

The proposed increase from 18 to 26 in the case of Representative Assembly and 2 to 3 in the case of the Legislative Council is not appreciable, when compared to the increase proposed in the case of the Depressed classes, in whose case the number is proposed to be raised from 6 to 30, and 1 to 4.

The Committee has rendered the working of the system of joint electorate impossible by its reluctance to

increase the number of seats. The system of joint electorate presupposes the existence of a multi-member common constituency for both Hindus and Musalmans with a seat reserved in it for the Musalmans, as is being done in the case of the Scheduled Classes in British India. For the Legislative Council it is not possible to introduce joint electorate with 4 Muslims seats, unless the existing 11 general constituencies are reduced to 4, or 4 Muslim seats are reserved in only 4 general constituencies to the exclusion of the other 7. It is not practicable to reduce the general constituency to 4. On the other hand, if the 4 Muslim seats are reserved in only 4 general constituencies, the Musalmans of the other 7 constituencies will not be represented and the number of Musalmans thus excluded will be much more than the number represented.

I am personally of opinion that the system of joint electorate is the best for the country. It must also be understood that the introduction of joint electorate involves a certain amount of sacrifice on the part of the Muslims, as they have to give up the simpler and easier method the separate electorate and subject themselves to the more cumbrous method of joint electorate. The Musalmans will not agree unless there is sufficient recompense. It cannot be expected of them to contest in a constituency of two or three districts and face 60,000 to 70,000 voters, and they should not be in a worse position than their Hindu brethren. In my opinion the system of joint electorate will be made possible if one seat for Musalmans is reserved in each general constituency. This can be achieved by allotting 10 seats in the Legislative Council. The Musalmans may agree to the system of joint electorate, as it will be a sufficient inducement to them for the extra trouble and sacrifice they have to undergo in giving up separate electorate. In the case of the Representative Assembly, I do not think the system of joint electorate can be adopted on account of the innumerable number of constituencies numbering nearly 165. The maximum number of seats that can be allotted for the Musalmans is about 40 to 45, and to work the system of joint electorate, 40 seats should be allotted in 40 general constituencies and exclude the Mohamedans living in the other 120 constituencies. Nor is the other alternative to reduce the total number of general constituencies to 40

practicable. So it seems inevitable to adopt separate electorate for election to the Representative Assembly. Two taluks may form one Mohamedan constituency, and one seat for the Musalmans may be allotted in that constituency.

With the limited number of seats proposed, even the system of separate electorate will not be workable. It has been proposed by the Committee to delimit the Muslim constituencies for the Legislative Council as follows:—

	Sq. Miles.	*Population.*
Chitaldrug-Shimoga-Kadur ...	10,970	97,700
Tumkur and Kolar ...	7,180	1,10,000
Mysore, Mandya and Hassan ...	8,140	85,000
Bangalore Dist. and Bangalore City	2,930	80,000

It will be seen that the constituencies proposed are unwieldy in area and unmanageable, and a competition in such a big constituency will be ruinous to the Musalmans and it would be cruel to ask them to contest in such a big area. I may point out in this connection that in Madras, the Muslim constituencies are of the same area as the general constituencies in Mysore State. Out of twenty-six constituencies in Madras twenty-three constituencies are single district constituencies, and the average area ranges from 4,000 to 6,000 square miles; and the area of the following constituencies is within 2,000 square miles and no Muslim constituency is bigger than the general constituency.

	Sq. Miles.
Chirkal	689
Kottayam	1,301
Calicut Division	884
Malapuram do	1,884
Palghat do	1,071
Puttur do	2,006
Mangalore do	2,016

In my opinion the following division of the constituencies will be suited in case separate electorate is adopted, and one seat may be assigned to each.

		Sq. Miles.	*Population.*
1.	Hassan and Kadur ...	5,420	40,900
2.	Shimoga	4,048	40,960
3.	Mysore and Mandya ...	5,400	43,500
4.	Bangalore District ...	2,922	60,200
5.	Kolar excluding K. G. F. ...	3,161	55,500
6.	Tumkur	4,022	44,300
7.	Chitaldrug	4,150	40,000
8.	Bangalore City, Mysore City and K. G. F.	...	47,000

In the case of the Representative Assembly, no constituency should be bigger than two taluks put together.

It is admitted by the Committee that "there is some force in the argument that under a form of popular government, adequate weightage becomes a matter of prime importance and necessity for Muslims as Muslim interests might not remain as safe as they are at present." It is also admitted "that a generous gesture seems to be called for from the majority communities so as to inspire confidence in the Musalmans and to secure their wholehearted co-operation." But I regret that this noble sentiment has not been given effect to as in the next sentence the Committee proposes to give weightage to "the absolute minimum requirements," instead of 'adequate weightage.' This certainly cannot be construed as a "generous gesture." I cannot understand what is meant by "minimum requirement." In my opinion, it means that the Muslims will have minimum requirement "to guard their interest and to prevent any encroachments on their language and culture under the popular Ministries." An excess of two per cent over their population cannot be taken as minimum requirements of the community to safeguard their interest in case of encroachments. This inappreciable weightage is as good as not having been given and quite inadequate and ineffective. I agree with the Committee that the weightage seats "do not come out of a "vacuum" not even 'gas' as it is

perfectly empty. But I expect the weightage seats from bodies saturated by non-Musalmans and the allotting of a few more seats in the Representative Assembly and the Legislative Council will certainly not dilute them. Weightage naturally involves deprivation. But at present practically no deprivation is called for. In fact all the constituencies, both rural and urban, are enjoying the same privileges as before, and no constituency has been deprived of its seats. What is wanted is a little addition to the present number. The number can easily be raised without prejudice to any community. We have to find 14 extra seats in Representative Assembly and 4 seats in the Legislative Council. The strength of the Representative Assembly may be raised to 315 and that of the Legislative Council to 75 to accommodate the extra seats. The Assembly will not be more unwieldy than what it is now, and the Council with a strength of 75 will be quite reasonable and manageable. I submit that the seats now proposed are quite inadequate and will not satisfy the community. I am most anxious that cordial relationship should continue, and hence my passionate pleading even at the risk of being called communal, that the percentage existing in Madras should be adopted in Mysore.

So I submit that 10 seats may be reserved for the Musalmans in case the system of joint electorates is introduced for the Legislative Council. Eight seats may be allotted in case separate electorate is adopted.

In the case of the Representative Assembly, 40 seats may be reserved. Out of this 10 seats may be set apart to be worked on the system of joint electorate, selecting one taluk in each district, and the remaining thirty seats may be thrown open for separate electorate, two taluks forming one Muslim constituency.

Federal Assembly and Federal Council.

Regarding Muslim representation in the Federal Assembly and the Federal Council the Committee by a majority is not willing to reserve seats for Musalmans in these bodies. I may point out in this connection that in Madras and other Provinces, statutory provision has been made for Muslim representation, and a definite

number of seats have been reserved. In Madras 4 out of the 20 seats in the Federal Council and 8 out of 37 seats in the Federal Assembly have been reserved for Musalmans. Similarly, it is but right that following this proportion statutory reservation of at least one seat in the Federal Council and two in the Federal Assembly is made for the representation of the Musalmans of Mysore.

Muslim Representation in the Executive Council.

The Committee is reluctant to make any statutory provision for the appointment of a Muslim Minister in the Executive. It was suggested by some members that there may be a convention to have a Muslim in the Cabinet including the Dewan. It is not right to include the Dewan for purposes of representation. He occupies the same position as a Governor does in British India. The Dewan has no party or religion, represents the entire country and is expected to safeguard the interests of all the communities. In fact he has no caste or creed. He has to act many a time against the interests of his community. It is not safe to identify him with any caste or party. So a healthy convention should be built up, if it is not possible to make statutory provision, that one member of the Cabinet excluding the Dewan must be a Muslim. I may point out in this connection that this convention has rigidly been followed in almost all British Indian Provinces and in the Viceroy's Executive Council. A Muslim has been appointed as a Member of the Council invariably in all the Provinces. Similarly the same convention should be adopted in the Mysore constitution.

J. MD. IMAM.

(5)

MINUTE OF DISSENT

BY

REV. W. E. TOMLINSON.

Fundamental Rights.

Little though I desire to sound any note of dissent, I must explain why, with the approval of the six members who voted with me as recorded at the foot of page 169 of the Report, I made the proposal I did.

We, of the minority in the vote to which I have referred, are as emphatic as any member of the Committee that the right to exercise even fundamental rights must in particular circumstances be conditioned by the necessity to preserve public peace; but this condition applies equally to all fundamental rights. We therefore desire that, before the list of fundamental rights named on pages 168-69, instead of the sentence, "Regarding access to public roads, wells, tanks . . . the maintenance of public peace and order," the following words should be inserted—"It is understood that the exercise of all these fundamental rights shall be subject to the maintenance of public peace and order."

We are strongly of the opinion that to make this condition with special reference to only two of the eleven fundamental rights, which we desire to protect, will do little more than invite disorderly opposition from those who object to the exercise of such rights by people of other religious profession than their own. In particular, the statement of the ninth fundamental right, as it stands, in our judgment, asks for violence from those who have hitherto denied "right of access to, and use of, public roads, wells and tanks, and other places of public

resort," to the members of the Depressed Classes, to mention no other community. Thus to limit the condition referring to the maintenance of public peace and order to any individual right of the eleven in our list, may expose us however unfairly, to a charge of insincerity which we should all greatly deplore.

BANGALORE,
24th August, 1939.

W. E. TOMLINSON.

(6)

MINUTE OF DISSENT

BY

SRIMATHI K. D. RUKMINIAMMA.

I am submitting this note in order to emphasize my point of view in regard to the reservation of seats for women in the Representative Assembly, the electorate for women and fundamental rights.

Reservation of seats for women.

I am strongly of opinion that there need be no reservation of seats for women *on a communal basis.* In this I have the support of the All-India Women's Conference. Political thinkers agree that most of our political ills of the present-day are due chiefly to the existence of communal feeling among us. If there is one organisation that has risen in recent years above this communal spirit, it is the All-India Women's Conference. In spite of my opposition to the proposal, the majority decided to earmark 2 out of the 11 seats reserved for women in the Representative Assembly to Muslim and Harijan women. (Paras 170 and 171). This, if carried into effect, will leave only 9 general seats for women, and they will naturally be given to the nine districts at the rate of one each, in which case there will be no seats left for women to represent the capital cities Mysore and Bangalore which are educationally the most advanced in the State. I, therefore, beg to suggest that the total number of seats for women be raised to 15 and they be distributed as shown under :—

1.	Nine districts	....	9
2.	City of Mysore	....	1
3.	City of Bangalore	....	1
4.	Muslim women	....	1
5.	Harijan women	....	1
6.	Anglo-Indian women	....	1
7.	The Mysore State Women's Conference	....	1
	Total	....	15

In the event of the Government not recognising the communal basis for allotment of seats, Nos. 4, 5, and 6 will drop out, and there need be only 12 seats for women reserved in the Representative Assembly. Taking into consideration the vast majority of women population in the State, the reservation of 12 or 15 seats for women in the Assembly is a very moderate demand and can be readily conceded. It works out at 4 to 5 per cent of the total strength of the Assembly and is well within the limits of the recommendation of the Indian Franchise Committee.

The distribution of these seats as suggested by me above will, I believe, secure proper representation for women in urban and rural areas as well.

Electorate for women's seats.

Regarding the electorate for women, I beg to urge that women candidates be elected through women's associations specially formed for the purpose in each district. Personally I am not against joint electorates. But seeing that women will experience great difficulty and hardship in canvassing for votes in large territorial constituencies, I strongly advocate indirect election for them at least for some years and until education spreads more widely in the country. I have no objection for women candidates being elected in the cities of Mysore and Bangalore through joint electorates. In the rural areas, however, where women are still very backward in education, properly qualified representatives may not be readily forthcoming; and hence I consider that indirect election through recognised women's associations is the best and safest for the present.

Fundamental rights.

Lastly, though not the least in importance, I beg to submit that there be no sex-barriers in the way of qualified women to enter public service. There is no gainsaying the fact that if women have advanced so far in Mysore, it is due entirely to the special encouragement they have received at the hands of His Highness's Government and the Mysore Royal Family. It is only recently within the last twelve years that women have found entry into the Representative Assembly. They have no place as yet in the Legislative Council. The only two avenues

of employment for women are the Educational and the Medical Departments. Here there need be no inequality of treatment as between men and women. Promotions and remunerations for service may be kindly made the same for both. In Para 233 of the Report, the fundamental rights of citizenship are enumerated, of which Clause (xi) reads thus : ' Men and women shall have equal rights as citizens.' I beg to suggest that this point of equality of rights requires to be made clearer in Clause (vii) also by the inclusion of the term ' sex. ' Thus amended it will read as follows :—" No person by reason of his or her religion, caste or creed or *sex* be prejudiced in any way in regard to public employment, office of power or honour and the exercise of any trade or calling. "

I think this amendment is very necessary in the interests of women, for a mere declaration of equality of right of citizenship as between men and women will not necessarily entitle women for employment, office of power. The doubt is removed by clause (vii) being amended as shown above. In this connection I cannot do better than quote Dr. N. B. Khare. He said in his speech at the 12th session of the All-India Women's Conference at Nagpur " Men and women do not belong to different species, but they are from one and the same species of genus and homo. Therefore all the problems which affect women affect men also, and they demand common solution from the common effort of both men and women." Again in the words of Mrs. Sarojini Naidu in the same session of the A. I. W. C. at Nagpur in 1937 : " We, women have no inferiority complex and do not require the labels of isolation, of segregation, of concession, of favour and of privilege. We only demand the right to serve, and none shall challenge that right of service. This is the Motto of the All-India Women's Conference. "

With equal facilities for education and opportunities for service, the day will come when men and women will be on a perfect footing of equality barring the limitations imposed by nature on women. Then no special treatment or reservation will be found necessary.

MYSORE,
29th August, 1939.

K. D. RUKMINIAMMA.

(7)

DISSENTING NOTE

BY

MR. R. CHENNIGARAMIAH.

Reservation of seats for Harijans in the Legislature.

My colleagues state in Para 154 of the Report that there is no need to reserve seats on a population basis for Harijans on account of their economic backwardness and want of education. With the advance of time and as a result of easy means of getting news about world affairs and, particularly, of the trend of events in India, the Harijans, in spite of their educational backwardness, have not been slow to be influenced by the movements in India. They are as fit as any other community in India to take an efficient part in any debate on questions, political or otherwise. We in Mysore are not by any means an insignificant minority. We number about 12½ lakhs, *i.e.*, one-fifth of the total population. Thirty seats in the Representative Assembly and 4 seats in the Legislative Council cannot by any means be regarded as satisfactory. Any argument advanced to say that the economic backwardness and want of education will result in incompetent persons being returned to the Legislature is a specious one which cannot stand scrutiny. We are insisting upon a system of reservation of seats in Mysore with a view to return to the Legislature the best among us, who are inspired by the one desire that our community should take its proper place among the other communities and shoulder the burden of administration with other communities. All that we want is opportunity. Let us not therefore be considered backward in any sense of the term, when it comes to the question of sharing the responsibilities with the other communities in the administration.

When we come to examine the question in relation to the conditions prevailing in the adjoining Provinces, we see that the percentage of literacy and the economic condition of the Harijans there are by no means be higher

than those of Harijans in Mysore State; yet they have secured seats on a population basis. It is obvious from this that the allotment of seats in Mysore is not based upon any principle or reason, and that it is not just. Though the community is grateful to the consideration that the Committee has shown to it, yet it cannot keep quiet when momentous decisions are taken. I must respectfully and emphatically urge and draw the attention of the Government to the inadequate representation provided for the Depressed Classes. The community should have at least 60 seats in the Representative Assembly and 10 seats in the Legislative Council, and 2 seats should also be reserved in the Federal Legislature on a statutory basis.

Representation of Harijans in the Cabinet.

My colleagues state in Para 210 of the Report that there is no need to reserve a seat in the Cabinet for Harijans. It was vehemently urged and stressed in the Committee that a seat should be provided in the new Cabinet for a member of the Harijan community. It may be brought home that the Harijans with the march of time and political advancement are seizing every opportunity to rise to the occasion, to take part in politics, in public activities and in sharing the heavy responsibilities even in the Administration and Legislature of the country. A glance at the political events and administrations in the adjoining Provinces, where provincial autonomy is prevailing, cannot but convince any one how the Harijans are taking a prominent part in questions, political or otherwise, and even rise to the occasion of holding the high and heavy responsible posts of Ministers. It may be safely said that these Ministers are carrying on the administration as faithfully and efficiently as any other Ministers of the country. All that is wanted is opportunity. When it is so in other Provinces, it can be said of Mysore also where the conditions, standard of education and culture are the same as in any other adjoining Province. We are second to none in our aspirations and desires to serve the country and His Highness the Maharaja and to share political responsibilities.

We form about 12½ lakhs, *i.e.*, one-fifth of the total population of the State. It is very desirable that a seat in the Cabinet should be reserved to a member of the

Harijan community, so as to have an equal and equitable share in the Administration and the Legislature of the country. I therefore most earnestly and respectfully request the Government to kindly comply with my request.

Fundamental Rights.

I am of opinion that the rights of access to, and use of, public roads, wells and all other places of public resort secured to all citizens should not be hampered by any limitations placed upon its exercise. The exercise of these rights should not be interfered with by any individual or community. It is not the person that exercises that right, but the person who interferes with that right, that ought to be controlled. So far as Harijans are concerned, they labour under many restrictions in the enjoyment of elementary rights of citizenship. Therefore to qualify the clause "subject to maintenance of public peace and order" is to take away the right guaranteed by the fundamental right. I therefore urge the deletion of the words "subject to maintenance of public peace and order" in clause (vii) of the fundamental rights.

BANGALORE,
31st August, 1939.

R. CHENNIGARAMIAH.

(8)

MINUTE OF DISSENT

BY

Mr. D. H. Chandrasekharaiya.

1. Parliamentary and representative democracy has come to stay in our country, and no stretch of imagination can ever make us believe in the theory of "good government" with all its merits and achievements. In fact the Address of His Highness the Maharaja of Mysore to the joint session of the Representative Assembly and the Legislative Council in 1924, has reaffirmed the principle of democracy in clear and unmistakable terms. The essential idea as summed up in that Address is as follows:— Importance of democracy.

"All constitutional progress relates to the enlightenment of the people, and the quickening and utilising of their energies in the business of the State."

2. I entered the public life of Mysore nearly 15 years back in the earnest hope of contributing my humble bit towards the advancement of the people's cause. In all that I have said or done so far, I have sincerely endeavoured to follow the policy and principles so graciously given expression to by our beloved Ruler in the Address referred to above. I may well claim to have had adequate experience of the working and results of the reformed constitution of 1923 ever since it began. It is true that our present constitution as well as its achievements have evoked much praise and admiration from several quarters. Even so, it suffers, in my humble opinion, from the following defects:— Existing Constitution: its defects and failures.

Firstly, there is a distinct official class removed from the common people. The officials from top to bottom, with security of tenure and prestige, are likely to form into a class by themselves, separate from the mass of the people. They would, therefore, have limited opportunities of understanding the real feelings and the actual requirements of common men.

Secondly, there is a want of responsibility in fulfilling the obligations due to the people. Though the officials know the wants and grievances of the people they are not bound to redress them. As a result, the people's voice will often be a cry in the wilderness.

Lastly, there is lack of forward and expeditious attention to work. Even when the officials have known the wishes of the people and are desirous of fulfilling them, they cannot be expected to be bold and businesslike in their actions. Consequently the relief given is often-times neither timely nor adequate.

In view of the above fundamental defects in the existing constitution, there is every likelihood of differences of opinion being created between the official class on the one hand and the people and their representatives on the other. We may be sure that when such differences increase in number and happen more often, they will lead ultimately to strong conflicts and rivalries between the two sections. Apart from this defect inherent in the present constitution, there are several other matters to be taken into account. For instance, the economic level of the average man is still very low. The sources of livelihood for many men are very precarious. Land revenue and tenancy problems have yet to be equitably solved. Rural reconstruction, both intensive and extensive, has not made much progress. The education of the masses has almost come to a standstill. The local self-government scheme has yet to be given a fair and liberal trial. The representation given to several communities in the higher services of the State has created discontent and heart-burning in the country. These, among several others, are questions which have not been satisfactorily solved till now and for which the Government cannot disown their responsibility under the present circumstances. Hence arises the necessity for considering the important problem of avoiding differences of opinion likely to occur between the officials and non-officials as far as possible, and also of throwing the responsibility for solving the several problems of the State on the people's representatives.

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3. I feel that the Government have felt this necessity and have accordingly appointed the present Committee

on Constitutional Reform in the hope that a progressive constitution best suited to the conditions in Mysore will be planned and recommended. Having been invited by the Government to serve on the Committee, in my individual capacity, I consented to do so, with a view to advance the people's cause in the best manner possible. I was then only a four-anna member of the Indian National Congress. Thereafter, I tried to interest the Mysore Congress, which had just then been provisionally formed, in the important work of framing a constitution for Mysore. But, on account of certain undercurrents at work, that body side-tracked itself for a time over the 'flag issue,' till it agreed later on to co-operate with the Committee, as a result of the good understanding arrived at between it and the Government. As that party professed to stand for progressive ideals in the making of the State, I naturally thought of associating myself with its members on the Reforms Committee and working for the common cause. I was however disillusioned, when, for reasons and circumstances which were of a flimsy and incredible nature, they began to non-co-operate with the work of the Reforms Committee at an important stage of its deliberations. My honest attempts to persuade them back to the Committee proved futile. Hence, having conscientiously felt that the policy and programme of the Mysore Congress were detrimental to the best interests of the State, I had to dissociate myself from the other Congress members and attend the meetings of the Committee from the 17th March, 1939, onwards till the close. My absence from the Committee for a period of two months, when conclusions were under formulation, proved a handicap to me, but nevertheless I may claim to have given my impartial and honest views regarding some important issues.

and the appointment of th Committe

4. To start with, it is essential to determine the goal of constitutional reform in Mysore, so that the details may be suitably adjusted for the attainment of that goal. This important question was almost on the point of decision at the time when I re-entered the Committee. It is a matter of supreme satisfaction to me that the final decision was to declare the goal in terms of responsible government under the ægis of His Highness the Maharaja. Having this goal in view, it would be easy to devise the appropriate parts of the constitutional machinery for Mysore.

Declaration of th goal of responsible gov ernment.

The Legislature. a) Its franchise.

5. The constitution of a State comprises three important and inter-dependent parts, *viz.*, (1) the Legislature, (2) the Executive and (3) the Judiciary. Referring first, to the Legislature, it may be said that it forms the foundation of all democracy. Hence it is very necessary that it should be broad-based on a liberal system of franchise. The Committee have no doubt reduced the property qualifications for both voting and membership for the Representative Assembly to Rs. 10; but I do not see any reason why in the case of the Legislative Council the property qualifications should be kept at the old level and not reduced to a reasonable extent. When the idea of adult franchise is rapidly gaining ground, it would not be inappropriate to reduce the qualification for voting as well as for membership for the Legislative Council from Rs. 25 to Rs. 15.

b) Character.

The real character of the Mysore Legislature, whether it is unicameral or bicameral, is involved in some controversy. We cannot call it unicameral, as there are two Houses exercising important functions and powers, nor can we style it as bicameral, as the two Houses have no equal or co-ordinate authority. It looks as though the one is in a way complementary to the other, and I think that in view of the direct contact between the Government and a large number of representatives of the people available in the one, and the practical business considerations attaching to the other, the two Houses might continue to exist, as recommended by the majority of the Committee.

c) Composition.

As regards the composition of the two Houses, I am of opinion that adequate provision is made in the proposals of the Committee for the representation of minorities and special interests. So far as minorities are concerned, the nature of the electorate applicable to them has been a much-debated, and hotly-fought-for question. It is rather unfortunate that the minorities in Mysore have been trying to follow in the footsteps of their brethren in British India much to the detriment of national unity and solidarity. I hope that, by the time of the expiry of the first period of four years of the proposed constitution, they will have realised the futility of separatist tendencies and that a system of joint electorate will automatically be adopted for the succeeding periods.

The Representative Assembly would be composed of purely non-official elements as in the past. The Legislative Council should have similarly contained only non-officials or at least an effective proportion of non-officials elected from territorial constituencies. But from a comparison of the existing composition of the Legislative Council with the proposed one, I feel that no great improvement is noticeable, as may be seen from the analysis given below : —

	Existing composition.	*Proposed composition.*
I. Elected.		
(*a*) General constituencies ...	18	24
(*b*) Minorities	4	10
(*c*) Special Interests	6	10
II. Nominated.		
(*a*) Officials	20	16
(*b*) Non-officials	2	8
Total . .	50	68

It is evident from the above that as against a small increase of 6 members in the general constituencies a very large addition of members from 12 to 28 is made to the other groups which are generally of a conservative nature due to various considerations peculiar to each group. If at all we desire to make a real advance in the usefulness of the Legislative Council, it is but right to give at least 4 seats to each one of the districts, so that the general constituencies including the two cities may have 38 seats. This can be done by reducing the nominated element to 2 members as now and the official element to 10, thus increasing the total strength by 2 more.

(*d*) Powers.

The powers of the Representative Assembly have been substantially increased, but those of the Legislative Council remain the same as before. Taking all things into consideration, it is necessary to empower the Legislative Council at least to discuss all matters coming under excluded subjects and heads of expenditure, except those relating to the Ruling Family of Mysore and the

Palace including the staff and household of His Highness the Maharaja. The Person and Throne of the Ruler should be held sacred and above all criticism. Hence the need for some exclusions in this behalf. The voice of the people in respect of other matters would greatly strengthen the hands of the Ruler to secure internal adjustments and external freedom for the State.

The Executive. (a) Composition.

6. The second aspect of the constitution refers to the formation of a proper Executive "to aid and advise" His Highness in the administration. It is very necessary for the smooth working of any constitution to reduce, if not altogether avoid, the differences likely to occur between the legislature and the executive and this is best secured under what is called "Responsible Government." Having adopted the goal of responsible government for our State, it is inevitable that the Executive should be so formed as to be responsible and therefore acceptable to the Legislature. The first beginnings at least of "Responsible Government" should be laid in our reformed constitution. I would therefore propose for the present an Executive consisting of not less than three non-official Ministers "chosen and summoned" by the Ruler from amongst the elected members of the Legislature who will work in conjunction with other official Ministers now running the Government. I expect that by the end of the first period of four years after the introduction of the reforms the places of the official Ministers will become vacant and be filled up by the non-official Ministers. As the Dewan continues to be the Head and an important functionary of the Government, he may be called the "Prime Minister" in keeping with the idea of the 'joint and collective responsibility of the Ministry.'

Though I stand for a composite Ministry, as described above, for the present, I have my own doubts as to its happy and smooth sailing. The defects and drawbacks of dyarchy are likely to be repeated in a different form even in this combination. I can well imagine that the feeling of identity of interests and purposes between the Rulers and the ruled in Mysore may possibly overcome the shortcomings of a composite Ministry to some extent and hold it in bonds of harmony and understanding. But in any case it would be safe and sound to end this form of Executive as early as possible and replace it by a purely popular one.

(*b*) Selection of Ministers.

The selection of Ministers at the present moment is of course left to His Highness. In a full-fledged responsible government, His Highness will usually select the leader of the majority party in the Legislature as his Prime Minister and, with his consultation, choose the other Ministers. But during the transitional stage, when a sound and organised party-system has yet to develop, the choice will be rather difficult. We may, however, be sure that His Highness will appoint such non-official Ministers as are likely to command a fair support of the Legislature.

(*c*) Their control.

An important question connected with the Executive is the nature of the control to be exercised by the Legislature over it. It is necessary that the Ministers—whether official or non-official—should be amenable in some way to the Legislature for their policies and actions; otherwise there is no meaning in having a declaration of responsible government. With this end in view, I propose that provision should be made in the constitution for moving a vote of no-confidence against the Ministers in the Legislative Council, under certain restrictions, as follows:—

(1) A motion of the kind can be moved only once every year at the time of the presentation of the budget.

(2) It should secure the approval of a certain minimum number of members of the Legislative Council—say one-third of the total strength of the House—before it is allowed to be discussed.

(3) It should be deemed to have been passed only when two-thirds of the total number of members of the House support it.

(4) His Highness should be free to take such action on the motion as he thinks desirable under the circumstances of each case, and His Highness's decision shall be final.

I believe that this provision will prove an acid test to ascertain the usefulness of a Minister to the people. It may be compared to the sword of Democles hanging as it were, over the heads of the Ministers, constantly reminding them of the path of duty and rectitude. It is rather unfortunate that my proposition on the subject was not accepted by a majority of ten as against seven.*

**For.*—Messrs. (1) D. H. Chandrasekharaiya, (2) T. Ramachandra, (3) D. V. Gundappa, (4) R. Chennigaramiah, (5) Bhupalam Chandrasekhara Setty, (6) Rev. W. E. Tomlinson, (7) Dr. F. X. DeSouza.

Against.—Messrs. (1) Mahomed Abbas Khan, (2) C. Narasimhaiya, (3) M. C. Rangiengar, (4) P. Mahadevayya, (5) S. Hiriannaiya, (6) Mahomed Imam, (7) S. C. Malliah, (8) C. Hayavadana Rao, (9) Mahomed Hanief, and (10) Sri K. D. Rukminiamma.

However, I have no hesitation in saying that the value of the reforms will be enhanced a hundred-fold if the view of the minority is accepted and brought into effect.

I am of opinion that the Executive formed and controlled as stated above is the one which satisfies the practical necessities of the hour and the long-cherished aspirations of the people at large.

The Judiciary.

7. Lastly comes the Judiciary which should be independent and free to interpret the laws of the State and to protect the innocent and punish the wrong-doers. It is my firm conviction that the entire judicial system, both civil and criminal, can be made independent of the Executive under a suitable scheme. The Committee have dealt with this question only so far as the High Court is concerned. I hope that our reformed constitution will incorporate the provisions suggested by the Committee, so as to secure the independence of the Judges of the High Court beyond all doubt. In England the judges of the Supreme Court are appointed by the Ministers in the name of the Crown and the independence of the judges is secured by the fact that their dismissal could only be brought about by Parliament presenting a joint address to the Crown. We may keep this arrangement in view in further improving the position of our High Court.

The subject of the independence of the subordinate judiciary is not at all examined by the Committee. Since this is a subject in which I have taken some interest for a long time, I feel it incumbent upon me to press my views now as constitutional changes are about to be carried out. The subordinate judiciary is composed of two sides, civil and criminal and so far as civil side is concerned, the present position held by the civil judges may be allowed to continue. But the criminal side requires further application of the principle of judicial separation which is already operating in Mysore. At present the District Magistrate is the highest authority in the district, and through the District Superintendent of Police, is also the highest Police authority. Virtually he is the prosecutor, because no prosecution can be launched without his knowledge. He also exercises control over the Magistrates in his district in various ways. He is thus in the position of a prosecutor and a

judge. It is worth while avoiding this dual position, so as to give no room for any suspicion in the administration of criminal justice. With a view to secure this objective, my suggestion is that the Special Magistrates in the district should not be placed under the subordination of the District Magistrate. Further the powers of the District Magistrate in respect of the administration of the criminal justice, which are now confined mainly to the hearing of criminal appeals from the courts of the Second and Third Class Magistrates, should be delegated to the senior-most Special Magistrate in the district who may be designated 'Special District Magistrate.' The result will be that prosecutions for breaches of the District Magistrate's orders will be tried in such Courts as will not be under his influence, and their work will be reported to the High Court and the Government by the Sessions Judge of the Division concerned who is the right authority to do so.

As regards the maintenance of law and order, the District Magistrate would be authorised to get the assistance of the Magistrates in case of emergency, such as riots or other disturbances. This scheme will not cause any extra expenditure to the Government, nor will it give room for any administrative objections. It would on the other hand make the administration of criminal justice pure and perfect.

Other matters.

8. There are several other matters—both arguments and conclusions— in which I have been unable to agree with the views of the majority of the Committee. For instance, the demand for the just and adequate representation of several communities in the services of the State is made an argument against the grant of full responsible government. It is even stated that full responsible government would mean "the rule of the majority communities." This is far from truth and can never be accepted. The demand for equitable representation in the services is dubbed as "communalism" by interested persons, whereas it is in reality an expression of the natural desire for a share in power monopolised by a few persons or class of persons. It is indeed a phase of national development based on the principle of "equal opportunities for all." I am glad that my resolution on the constitution of a Public Services Commission in Mysore has been accepted

by the Committee, and I hope that it will work in such a way as to give satisfaction to one and all. Another instance in which I am opposed to the view of the Committee is to be found in the estimate of the working of the local self-government scheme. I feel that the scheme has not been given a fair trial, and that with less official control and better financial backing the local bodies would have been able to achieve a larger measure of success than now.

Conclusion.

9. In conclusion, we have to take note of the tremendous changes which have come about in the constitutions of our neighbouring Provinces and States and make the necessary and timely adjustments in our own constitution reconciling the forces of progress and order. My scheme based on "compromise and moderation" advocates "the policy of the middle path," that "will consolidate our strength and lead us on from strength to strength". His Highness's abiding sympathy and good-will towards the aspirations of the people are our greatest asset. I have always entertained the view that His Highness's powers should be real and substantial and that he should continue to be the greatest and the highest sovereign authority under the constitution. His Highness's powers of veto and ratification should be left intact, and he should be free to "act in his discretion" or "to exercise his individual judgment" in certain specified matters. Having enjoyed a most beneficial rule during the past thirty-seven years, we all owe him a deep debt of gratitude. As we know, His Highness has no higher object in life than to live for, and to strive for, the welfare and contentment of his subjects. So, while feeling grateful and loyal to our beloved Sovereign, let us in the words of his inspiring Message of 1924, humbly pray that "our constitution and administrative machinery be adapted to new times, needs and aspirations."

BANGALORE,
24th August, 1939.

D. H. CHANDRASEKHARAIYA.

(9)
ADDITIONAL NOTE

BY

MR. T. RAMACHANDRA.

It is not correct to say that political agitation in Mysore is of recent growth. There have been various occasions of political discontent during the past two decades, both on the floor of the Assembly and the Council as also on public platforms and the press. Whenever civil rights and liberties were threatened, the people carried on agitation not only for securing them but also for the establishment of a system of Executive Government responsible to the people. The agitation against the Mysore Newspapers Act is one of such character.

The demand for responsible government is not an "induced" phenomenon, but the natural outcome of the growth of representative institutions in the State, especially when the Executive was not responding to the increasing and insistent demands of the Legislature and the peoples' representatives failed to secure adequate or reasonable amount of satisfaction. This demand is essentially due to the fact that several resolutions in the Assembly and the Council dealing with the vital needs of the people, as for example, land revenue system, educational advancement, excise policy, salary cuts, non-official Executive Councillor, etc., were rarely given effect to. There was a feeling of nothing tangible achieved, especially when no single cut-motion could be carried, because there was no non-official majority in the Council. In the matter of the Standing Committees too, there was the feeling that there was not enough consultation, nor were they able to influence the Government to any appreciable extent. Specific resolutions on responsible government have been moved and discussed in the Assembly and the Council. The recent agitation on an intensive scale though "induced" by the political happenings in British India, has been also indigenous.

No doubt in British India, the Congress and its leaders have, during the past half a century, roused the national and patriotic conscience of the people by the fearless advocacy for independence from foreign domination, and their criticism of the un-British Rule in India, the economic exploitation of the masses, the lack of opportunities for the people of the country to have the sole and effective voice in the administration, etc.

It is not correct to say, as is done in Para 79 of the Report, that because the interest of the Ruler and the ruled are regarded as identical in an Indian State, the ruled should not aspire for responsible government. The evolution of constitutional monarchy and democractic institutions in countries like England, where also the interest of the Ruler and the ruled are quite identical, is a case in point. In a monarchical State, cleavage of interests is bound to occur due to misrule on the part of the Ruler or the development of the political consciousness of the people resulting in a demand for a more and more share in the government. Although in the early days of our Legislature, the demand was for wider opportunities to the backward communities in the public services in the State, still in the course of a few years, when the representatives of such communities came to occupy positions of leadership among the masses, they shifted their demands to the redress of the grievances and needs of the people whom they represented. And their constant failures and disappointment to get adequate response to their various representations led to their demand for a truly responsible system of government.

The real causes for the merging of the People's Federation or the Non-Brahmin party in Mysore with the Congress appears to me to be due to: (1) the natural evolution of the People's party from a communal organisation into a political one, (2) as a means of solving the communal problem itself, (3) prospects of the All-India Federation wherein as part of the Congress there are wider opportunities and (4) confidence of securing majority following in the State and thus occupying responsible positions in Government, in order to render effective service to the masses. Subsequent and recent events go to show that the Congress was able to create intense public agitation

and even come to be recognised by Government as a political organisation.

In education, Mysore is on a par with and even ahead of the British Indian Provinces which enjoy provincial autonomy. The educational attainment of the people cannot alone furnish a sure test of fitness for responsible government. As has been observed by the Indian Central Committee on Reforms, even in England, Cape Colony, and Canada, parliamentary institutions were formed long before any appreciable proportions of the population had become literates. Illiteracy is not necessarily accompanied by lack of good sense. On the other hand the illiterate masses of India have an inherited culture which would enable them to exercise their voting power intelligently. Besides the State does not lack men of education and culture capable of serving as legislators and representatives of the people as well as officers.

The view against the responsible government is not held by any large and influential section of the people, because all political parties in the State have been unanimous in this demand. It is not unlikely to find extreme communalist leaders or those holding vested interests opposing such a demand, all from a fear that their special preserves and favoured positions will be lost. Their very opposition to responsible government is an argument in favour of it, in the interests of the masses whose condition needs to be improved and who should be freed from the hold of the privileged classes and of those who raise the communal bogey.

Paramount Power and Treaty Obligations.

In para 98 of the Report, it is observed that the transgressing of the Treaty obligations would lead to grave complications and the inference is drawn that the grant of Responsible Government would be against the terms of the Treaty. But as has been pointed out in Para 50 of the Butler Committee Report, "If they were due not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignity of the Prince, but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince." The demand made by the advocates

of responsible government in the Indian States has always been subject to the very important proviso, namely, "under the aegis of His Highness the Maharaja," implying thereby the maintenance of the rights, privileges and dignity of the Ruler, as also the due fulfilment of all his Treaty obligations. Besides, it is a matter of history that these Treaty obligations have been revised from time to time by mutual consent according to the prevalent circumstances. So, to point to the Treaty obligations as standing in the way of the grant of responsible government, even though the Ruler is in favour of such a measure, is to bind the hands of the Ruler as against the legitimate and deserving demands of his subjects and to forge irrevocable fetters to the Ruler's inherent powers in all that pertains to the internal administration of his State. Even the Paramount Power itself in its relationship with its Provinces in British India and its Colonies and Dominions, has from time to time introduced varied types of responsible and even fully independent forms of government according to the Statute of Westminister, in response to the demands of organised public opinion and also on account of political exigencies. That same Paramount Power cannot be expected to stay the hand of a Ruler from the grant of political rights to his subjects, simply because Treaty conditions laid down at a certain period of mutual relationship do not permit of such a change. Treaties are made not for all eternity, but certainly subject to alterations by mutual agreement if and when found necessary. Prof. A. B. Keith, the well-known authority on constitutional law, has expressed as follows:—" It is the case that in Mysore and Travancore alike efforts have been made by opponents of responsible government to show that it cannot be adopted consistently with the rights of the Paramount Power. The sovereign of the State must, it is said, retain final legislative and executive authority, otherwise he must be unable to give effect to requirements of the Paramount Power. This, however, is clearly an error. All that is necessary, is for any constitution evolved for a State to include as a fundamental doctrine with full legal force, that effect to such requirements must be given by all authorities, executive, legislative and judicial in the States. There is, however, the precedent of the Irish constitution of 1921. Responsible government, it may be added, will unquestionably tend to diminish or eliminate

wholly the intervention by the Paramount Power, for in the past such intervention has nearly always been dictated by mis-government and by the fact that no power existed in the people to obtain redress therefor by deposing the Ruler. On the other hand, the negation of responsible government by the Rulers must interpose a very grave obstacle to progress towards Federation and Dominion Status." (Quoted from the Journal of Legislation and International Law for February, 1939).

Again in the course of his letter to Srimathi B. S. Vengedamma, quoted in para 104 of the Report, the first of the last sentences (which have been omitted in the quotations) runs as follow :—

"I think however that you exaggerate somewhat the difficulties in the way of Responsible Government presented by the existence of the Paramountcy . . . . . The maintenance of wider power to the Sovereign may well be advocated at present, but the argument from Paramountcy, though specious, will not, in my opinion resist detailed consideration."

Again in a letter addressed to a Cochin journalist as published in the "Indian Express," Madras, of the 9th March 1938, he writes.

"The question whether Responsible Government can be introduced into an Indian State in view of the rights of the Paramount Power admits of a clear answer as far as the principle is concerned, if consideration is given to the essential character of these rights.

"The rights are concerned with (1) the conduct of the State as part of the Indian body politic involving its contribution to the welfare of India, and (2) the internal government of the State. The Paramount Power being under the obligation to secure to the dynasty the rule of the State, if it remains loyal, is bound to secure that the internal government shall be conducted on reasonably efficient and just principles.

"The introduction of responsible government presents the obvious mode for the carrying out of the second principle. The British rule of responsible government rests on the doctrine that in this mode there is best secured the welfare of the people as a whole, as opposed to that of a minority, and the Paramount Power would no doubt welcome the transfer to the people of the conduct of their internal relations.

"As regards the first principle the matter is solved in the case of any State which accedes to the Federation, for *ipso facto* it is thus engaged to perform its share in the general welfare of India. Naturally

if responsible government were introduced for the internal government, the State representatives in the Federal Legislature would be selected by election and not nominated by the Ruler.

"If, on the other hand, a State was, despite acceptance of responsible government, unwilling to accept Federation, the responsible ministry would have to accept the demands made by the Paramount Power upon it to co-operate in matters essential for the general welfare of India, just as the Ruler now must do. But, of course, a responsible ministry would be in a much stronger position to represent the views of the State than is any Ruler, and it would have much greater weight with the Paramount Power, for it could rely on receiving in any sound cause, the support of many members of the British Parliament of all political complexions.

"The Paramount Power, for the reason just given, might not be anxious to see responsible government introduced into any State, but even were this so, it could not resist its introduction since that would be disapproved by Parliament. No doubt, there is a possibility that under responsible government there might be a distinct clash of views between a State and the Paramount Power, but in that case, in the ultimate issue, the latter must prevail. But the mere possibility of a clash is no reason for not creating responsible government. Were it carried through carefully planned steps, it can hardly be doubted that a new era of prosperity would be opened up both for the States and the Paramount Power."

In para 108 of the Report, it is stated that in any system of responsible government even under the aegis of the Ruler, the Ruler may have occasion to appeal to "the Paramount Power to deal with a popular Government of his own creation, but not responsible to him in the first instance." The very provision "under the aegis of the Ruler" conveys all necessary safeguards providing for the Ruler's rights and privilege, the Treaty obligations, the ensuring of good Government and the safeguarding of the rights of minorities and special interests. All these are implied in the words "under the aegis of His Highness the Maharaja."

Even under the existing Mysore Treaty, the Paramount Power can interfere in every branch of the administration. If this view is accepted, no system of popular government is possible at all. We have further seen especially in Mysore where representative Institutions have been established, how the Ruler has very graciously parted with his powers in the day-to-day administration and also in the matter of legislation and finance, reserving, of course, the ultimate power and authority in his hands to set right matters when they go wrong. To

the extent that the Ruler has shared his sovereign authority with his people's representatives and his Executive Council, to that extent the Paramount Power relaxes its demand on the Ruler under the Treaty obligations. Generally it can be stated that the Paramount Power will not refuse to accord its approval to a scheme of reforms which is mutually agreed to between the Ruler and his subjects.

No advocate of responsible government has ever denied the need for good government. On the contrary a form of government responsible to the people as also to the Ruler will, in the ultimate, be the best form of government. In Mysore, when representative institutions have been in existence for over half a century and several observers have spoken in praise of our expanding constitutional progress, there can be no denying the fact that barring a few representatives of communal organisations and vested interests, all understanding sections of the public have unanimously voiced their opinion in favour of the grant of responsible government. And in His Highness' own words, " the measure of advance is to be based upon the advancing political consciousness."

In Mysore we are peculiarly fortunate in having had a succession of Rulers who have imbibed the very high ideals of " *Dharma*" meaning thereby the " *Yogakshema,*" the moral and material progress of the people. But to say, therefore, that the people as such should have no share nor voice, is to deny the basic principle of Hindu polity, wherein the Ruler is acclaimed the first servant of his people and derives his power from the people's assemblies and executes his authority through the council of ministers, the Mantri Parishad, whose primary duty it was to satisfy the Assembly of people's representatives pointing thereby that the Ruler shared his sovereignty with his subjects. The Central Government itself was, in ancient India, raised on the bed-rock of local institutions which were self-governing in every respect. There is no doubt about the fact that in these days of advancing and revolutionary political theories, the theory of the divine right of kings has very few supporters, and much less has it any validity when as in the case of the Indian States, the Ruler himself is subject to a Paramount Power, whose decisions are taken by a democratically

constituted Parliament and exercised through a political department consisting of permanent members of Civil and Military services.

In para 115 of the Report, great injustice has been done in assaying the work of provincial autonomy in the British Indian Provinces, although it is admitted that "our impressions are necessarily tentative, and it is not without hesitation that we venture to offer them." The Indian National Congress has set the very noble example of being an entirely non-communal organisation and in its government, not only having the interest of all the communities at heart, but specially solicitous to safeguard the minority communities. Examples are not wanting where issues like the singing of the *Vande-mataram* song, the hoisting of the National flag and the prevention of agitation in a neighbouring Muslim State—all these have been done with the sole object of not hurting the susceptibilities of the Muslims. It is true that the Muslim League nominees have not been taken on the Congress Cabinet, because in the very nature of things, the Cabinet has to be homogenous and not merely composite. But it does not mean that Congress Cabinets do not include Congress party Muslims, who unfortunately have lost caste with their Muslim League brethren. Again several public statements have been issued from time to time, showing what has been done for the advancement of the education and economic betterment of the Muslims, in spite of the cry of "Islam in danger" raised by the Muslim League leaders. All these go to show that the Congress party has been dealing quite fairly with the Muslims, and quite generously with the Harijans in keeping the sacred pledge given to the Harijans on the eve of the Poona Pact that all social and religious disabilities will be removed and Harijans will be given an equal status with the caste Hindu community.

In all democracies the rights of minorities are protected by the declaration of fundamental rights and an independent judicial tribunal safeguarding such rights from any executive misrule or by vesting special powers in the sovereign.

With regard to the question of the Congress party ignoring the opposition party, facts quite disprove the

same. In all select committees and special committees, representative members of the Opposition are always included and their views are given best consideration. Under no democratic system can a minority aspire to dictate to the majority, while still remaining a minority. Minority has its own function of offering criticism in the hope of converting the majority to its view and of ultimately securing the majority to itself, if the general electorate so inclines. Therefore the Congress Governments in British India are really not ignoring the opposition; on the contrary are consulting and valuing their opinion. And in the settlement of such differences as between labour and capital, the tenant and the Zamindar, or the debtor and the creditor, they have been trying to secure an equitable relationship on the basis of mutual understanding, though what has been secured for the under privileged may seem to be too much, because, so much has been taken away from him by the vested interests. It is not quite correct to say that the majority party rules, because of its numbers, but essentially because the majority represents for the time being the largest good to the largest number in the country and any good to the largest number is bound to affect adversely small vested interests. Again the majority party rules because of the confidence it has derived from the major section of the country; and the provision in the constitutions of the democracies for periodical dissolutions of Parliaments, by-elections, voting of budget estimates all these and such other devices for the ascertaining of public opinion from time to time and the automatic adjustment of the legislature to the popular will and of the executive to the legislature. It is only under such a system that well-defined parties are and can be formed " to clarify political issues, to lay before the electorate carefully considered and practicable programmes, to select capable and well qualified leaders, to instruct and organise public opinion."

In the declaration of the goal of responsible government, we have found the largest measure of support and agreement and it is the crowning point of the whole Report and reflects not merely the almost unanimous opinion of the Committee but the unanimous demand of the thinking section in the State and the hopes raised in the popular mind. The value of the declaration will be very much enhanced by the Government, fixing a time period

and procedure, for the early evolution towards reaching the goal. Such provision will act as an incentive to the people and their representatives and secure a sense of realism and responsibility. It was also the feature of the Montagu-Chelmsford Report.

With regard to the recommendations of the Committee, I desire to offer the following opinions :—

The enhanced powers, particularly in the matter of legislation and finance which have been proposed to be given to the Assembly, make the Assembly a component part of the Legislature and not merely an Assembly for making representations. Therefore in any future enlargement of the powers of the Legislature, the Representative Assembly should take the place of the Lower, but more important, House is a scheme of bicameral or unicameral legislature.

With regard to the power of moving resolutions, suggesting changes in the constitution, my opinion is that in the event of the Dewan's sanction not being given for such resolutions, the discontented section of the public will be driven from the constitutional methods of ventilating their views, and they will have recourse to the press and public platform, resulting in a greater political ferment than if discussions had been permitted on the floor of the Legislature.

In the case of private members' bills, I desire to suggest that the need for obtaining the previous sanction of the Dewan should be replaced by the power of disallowance by the Dewan on the ground of detriment to the public interest.

The proposal to obtain the previous sanction of His Highness for bills affecting religion, curtails the rights of the Legislature and will hinder social legislation, particularly amongst Hindus, where the old-time codified Hindu Law requires great over-hauling in the light of modern interpretations and the rational outlook on religion and religious customs. Above all, such sanction need not be specially secured from His Highness the Maharaja, but from the Dewan as in the case of the ordinary private bills. Because it will not be in the

best interest of the State and the Ruler himself to bring him into the vortex of political differences even before the Legislature has had its say. Besides the declaration of fundamental rights safeguarding the legitimate interest of the minorities and their religious usages, have been vested in the ultimate authority of the Sovereign as part of his special prerogatives. Therefore, it is enough that the Dewan's previous sanction is secured or the Dewan is entrusted with the power of disallowance of any such measure detrimental to public good.

Under taxation no new tax should be levied, nor the existing tax enhanced, without the consultation of the Assembly, but never without its consent.

With regard to creation of communal electorates on a separate basis for Muslims and Christians, I am strongly of opinion that it should not be encouraged. The Seal Committee has opposed it and in all the local bodies in the State and even for the Assembly and the Council, our State has been fortunate in not having a separate system. It has been the pride of the members of different communities that they are living in perfect accord and harmony with one another under the benign rule of His Highness, in spite of some communal fanatics very occasionally exhibiting their riotous tendencies. So let our State set the model for British India and prove that Muslims and Christians can enjoy their normal life of citizenship without recourse to separate electorate. We shall then be the forerunners to the British Indian Provinces in this important respect of establishing a permanent bond of fellow citizenship.

Again, by the reservation of seats with due weightage, vesting of special powers in the hands of the Ruler and the Dewan to protect minorities to accord previous sanction for the introduction of subjects relating to religion, the declaration of fundamental rights, and all these have been proposed to be provided for as part of the constitution and there is absolutely no need to provide separate electorates.

In Mysore State, religious minorities are very small in number and therefore joint electorates are more advantageous to them, in that it will place the representative

belonging to the majority communities under the necessity to secure the goodwill and votes of the members of the minority communities and thereby place themselves under an obligation to and responsibility for safeguarding the legitimate rights of the minorities. If it is feared that the minority community representatives will be mere nominees of the major communities, some provision can be made requiring the securing of a certain percentage of communal votes in addition to the general votes, as has been provided for the Depressed Classes.

With regard to the five seats assigned to Labour in the Assembly, suitable provision should be made for forming the constitutencies, as for example, one for Textile and Factory Labour in Bangalore ; one for Railway, and other Factory Labour in Mysore, including Mandya ; one for Heavy Industrial Labour in Bhadravati Iron, Cement and Paper Works; one for mining Labour in Kolar Gold Fields ; and one for seasonal and minor factories in Davangere.

The franchise qualifications have to be fixed up on the same basis as those prevailing in Madras province.

For the two seats allotted for Labour in the Legislative Council, suitable constituencies should be formed with a little higher qualification both for electors and candidates, comprising two circles, one Bangalore and Kolar Gold Field and the other Mysore, Bhadravati and Davangere.

It is very necessary to provide for free quarters for Assembly members in Mysore, during the sessions.

With regard to the composition of the Legislative Council, although I agree to the need for a nominated official block, so long as there is to be an official element in the Executive, still I desire to suggest that 16 seats provided for nominated officials may be reduced by five, and that these five seats be added to the general constituencies by providing one seat more to the five districts with lesser population. Then it will be providing for a larger territorial representation. And the provision of three seats for every district will enable the return of representatives of different political views.

Selection of non-official Ministers.—It must be laid as a convention that while the Ruler's discretion should not be fettered in choosing the Ministers, at the same time the leaders of the predominant parties in the Assembly and in the Council, if such parties do come into existence, shall ordinarily be chosen as Ministers, as otherwise there will be constant deadlocks and attempts at wrecking the constitution and misinterpreting the motives and actions of the Executive by members of the majority parties. There is nothing like the entrusting of responsibility in the hands of the leaders of the majority parties to create a sense of responsibility, to work the constitution to its fullest advantages and thus prove their further fitness for increased powers. Besides, formation of well-defined parties is only possible on the assured provision in the constitution or by convention that the majority party shall have its share and responsibility in the executive administration of the country. And the number of non-official Ministers should be at least three to begin with and then progressively increased to make the Cabinet wholly non-official, as envisaged in the declaration of the goal.

Address to the Throne.—While I agree that provision for a vote of no-confidence may not be suitable for a constitution in which the Cabinet of Ministers are the nominees of the Ruler, subject to their enjoying the confidence of the Legislature, I suggest that an Address to the Ruler by the Legislature is a very important provision. In para 207 of the Report, it is stated as follows:—" We consider that provision may be made that all resolutions casting any reflection on the policy of the Ministry or its work and efficiency must be brought to the notice of His Highness, it being left to His Highness to decide what course of action is called for, whether to direct the Ministry to change their policy in accordance with the views of the Legislature, or dismiss the Ministry either in part or in entirety, or to disregard the resolution altogether if the circumstances should justify it." But this is exactly what is intended to be achieved by a specific Address to the Throne. Instead of any and every resolution and cut-motion being made subject of reflection on the Ministry, the Address requiring a certain minimum of members to sign before it is discussed in the Assembly and the Council and again requiring a certain specific

majority for its passing will carry with it a great sense of responsibility on the part of the members of the Legislature before proposing and moving such an Address. And equally well the responsibility on the part of Ministers to respect such a large volume of opinion of the Legislature. Lastly to the Sovereign himself, it will be a clear verdict of a large section of the Legislature, to take necessary steps to direct the Ministry to change their policy or to dismiss the Ministry. Above all, an Address to the Throne will be a well considered, dignified, and constitutional approach to the Sovereign by the people's representatives, which neither a cut-motion nor a resolution can take its place. On the contrary an Address to the Throne will be a greater safeguard than an ordinary resolution, or cut-motion carried by a snatch vote.

With regard to the franchise, I desire to point out that all those who have passed the Upper Primary, Middle School or Lower Secondary Standard, may be enfranchised, though I would suggest even lowering it further to those who have completed the Primary Standard.

Mysore State is attracting quite a large number of businessmen, capitalists, and labourers who contribute to the development of the wealth of the country. So, it is a retrograde step to increase the period of residence from six months to one year or of domicile from five to ten years. Especially, when people of Mysore are granted political and other rights in British Indian Provinces with very much less qualification, it is not conducive to the growth of inter-provincial relationship by placing increased obstacles for conferring citizenship on people from outside. Such a step is sure to have very unhealthy reactions, not quite helpful to a State like Mysore, whose people and products are to seek extended areas. I suggest that the educational qualification for a member of the Assembly in the absence of any other qualification should be that of an S.S.L.C. and not of a graduate.

Permission of the President should be obtained prior to arresting any member during the sitting of the Houses.

With regard to the fundamental rights, it is not enough, if they are only recognised by the Government, but they should be incorporated in the Constitution Act,

with power to the Judiciary to enforce them. Only then can these rights be of any value, especially to the minorities who are guaranteed their civic and social rights. Again clause (ix) of the fundamental rights, while seeming to secure equal opportunities for the use of public utilities, deny them in spirit by subjecting them to public peace and order. No doubt all these rights are subject to law and there is no need for a specific mention of it in clause (ix), unless it be to take shelter under the time-honoured public usage and deny the right of use to the excluded classes. These rights should be such as to inspire confidence and a new ray of hope to all those who have been so long denied by unmeaning and inhuman customs to the lawful enjoyment of even such privileges as belong to fundamental rights of Man as Man. Clause (ix) with its proviso, simply nullifies what has been granted in clause (iv).

With regard to the independence of the Judiciary, it is not only necessary to fix the tenure and terms of service of the Judges of the High Court, but the High Court itself should be the authority for the entire control of the District and Session Judges and other officers of the subordinate judiciary.

With regard to local self-government, I suggest a Local Self-Government Board be constituted to watch and supervise local self-government institutions. In addition, it is very necessary to substantially increase the representation of the Depressed Classes (and labourers in industrial urban areas) and make provision for the election of their representatives instead of the system of nomination, so that these local bodies may have a good representation of these of very poor and neglected section of the people, for whose welfare very much remains to be done by the local self-governing institutions.

In conclusion I make a special appeal to the Government to give effect to all the recommendations of the Committee including such changes as will still more liberalise the constitution and make it acceptable by all sections of the public. The political history of Mysore is one of generous grant of constitutional privileges by the gracious will of the Sovereign, and this next step in reforms should be such as will approximate to, if not

exceed, the political privileges enjoyed by our next-door neighbours in the British Indian Provinces. And this fact has been recognised in the Government order constituting this Committee itself. It is our earnest and prayerful hope that a continued era of peace and prosperity will be established which will rank Mysore as the "Model" State, not only in matters industrial and economic, but also of social and political progress under the benign rule of His Highness the Maharaja.

BANGALORE,
29th August, 1939.

T. RAMACHANDRA.

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SUPPLEMENTAL AND DISSENTING NOTE

By

Bhoopalam R. Chandrasekharayya.

PREFACE.

The report is based on resolutions on specific points passed at the meetings of the Committee. Where opinion was not unanimous, the views of the minority members have also been noted in the report itself. I have felt it necessary to explain the position taken up by me as also to answer the criticism levelled against my views by the other members and hence I have submitted this supplemental and dissenting note. In this preface I wish to offer a few general remarks.

2. Though the majority of the members of the Committee have shown in their recommendations a broad outlook, they have not gone as far as the situation demanded, and have stopped half-way. My view is that the time has come when His Highness the Maharaja may with safety entrust the day-to-day administration of the State with a cabinet composed only of elected representatives of the Legislature, retaining within himself, at the same time the royal prerogatives of ultimate veto and ratification, as the Sovereign authority in the State.

3. By the liberal spirit adopted by His Highness the late Chamaraja Wodeyar and his illustrious son the present Ruler, the people of Mysore have naturally been led to aspire for responsible government. Mysore is fortunate in that the peoples' aspirations have not to contend against an alien power opposed to their interests. Since His Highness has identified his interests with those of his subjects, he is sure to assent to proposals that would serve the country best, making for stability of administration and all-round prosperity. In my view it is the establishment of responsible government immediately that will ensure hastening of the progress that has been initiated by the administration.

4. Every responsible leader from the Provinces who has had the privilege of visiting Mysore, has been struck

by the remarkable measure of progress that the State has attained under the present administration. Vast and courageous schemes, making for all-round development of the State, have been inaugurated. In many respects Mysore's administration is proving an example to the elected ministers in the Provinces. But still there is a great deal more to be achieved immediately. It is a notable fact that Government are not getting for their schemes of reform and progress, the co-operation from the people that these schemes deserve. The pace of progress has not been as rapid as it would have been, owing to this want of co-operation. This feature is due to the fact that under the present system of administration, people do not feel that the Government is theirs. They do not share the feeling of achievement along with the administration. There is no use in blaming any individual or individuals for this state of affairs. It is an inherent defect in the system of administration itself, and the remedy lies in entrusting the administration to the chosen representatives of the people. Then will people feel that these institutions are of the people, by the people, for the people. Then will advancement be more rapid and permanent than even now.

5. There is also bound to be continuity of progress, which is not quite ensured by the present system of administration. At present the progress is dependent on the courage, capacity, and vision of the Dewans. We must not forget the fact that after the great schemes inaugurated by Sir M. Visvesvaraya there did follow Dewans who were not so very enthusiastic about or appreciative of big schemes for the industrial advancement of the State. I am even inclined to think that the present progress is due to the lucky accident that we have in the present Dewan Sir Mirza M. Ismail an administrator who has fullest faith in the industrialisation of the country and has the courage to put his schemes into operation. In future there must be some way of ensuring the continuity of the progress for which the two great administrators Sir M. Visvesvaraya and Sir Mirza M. Ismail have toiled with the fullest sympathy and support of His Highness the Maharaja. The only way of achieving it, to my mind, is to make the people themselves responsible for running the administration, and to initiate, formulate, and direct the policies for the progress of the State. And under His Highness's ever watchful and sympathetic eyes the popular ministry is sure to achieve remarkable progress for the State.

6. Those who have opposed the idea of entrusting the administration to elected representatives, have argued that the beneficial results achieved at present may be nullified by the change. I am of opinion that this fear is groundless and that greater prosperity is bound to follow the change. From another point of view also is the change of system of administration imperative. For the last two years there has been intense agitation in the country for responsible government. To many it is a surprise that people should desire for change in spite of the fact that the present administration is striving its utmost to serve the best interests of the country. Though it is efficient it does not satisfy the legitimate aspirations and the imagination of the people, who have begun to ask for a system of Government which they can feel as their very own. As this aspiration has been nurtured by the Rulers themselves, time has come when they may think of satisfying it. No doubt it is unhappy that there should be so much agitation in the country, but it is a fact that cannot be overlooked. So long as agitation continues, the State's progress is also bound to be affected in all directions. I need not labour on the need for settled administration to make for progress. Trade and Industry cannot flourish when conditions are unsettled. The only way to ensure the stopping of agitation and the establishment of peaceful conditions is to satisfy the legitimate aspirations of the people.

7. I do not in any way suggest that Political Reforms must be the result of agitation only. At any rate in Mysore the wise Rulers have established a tradition of forestalling all agitators by the introduction of timely Reforms. But the present day world conditions and the political situation in India have all had their effect of disturbing the tranquillity within the Native States. And Mysore in common with the rest of the States could not hope to be free from agitation for the fulfilment of the natural and legitimate aspirations of the people. In a peoples' movement it is always possible that there would be sometimes defective lead, unhappy developments, and suffering that could be avoided by a more sagacious handling of the situation without in any way crying halt to the march towards the Goal. But such individual and party mistakes ought not to count when the interests of an entire people are concerned. And where the interests of people and Ruler are identical as in Mysore this point needs hardly any emphasis.

8. Hence while I share with my colleagues the regret that the State Congress representatives chose to withdraw from the Reforms Committee at the closing stages I would earnestly appeal to the Government of His Highness the Maharaja to look at everyone of the decisions reached in the Committee and the voting thereon from the point of view of what those decisions would have been, had my friends of the Congress remained in the Committee to the end of its labours. On the controversy that arose between myself and my friends of the State Congress, that led up to their withdrawal from the Reforms Committee, I have appended a sub-note to this, which will explain the whole position. All that I wish to emphasise here is that the cause of the people of Mysore should not go by default, simply on the ground of the actions of individuals or group of individuals. In the life of a State individuals and groups come and go but the interests of the toiling masses ever remain paramount.

9. Before closing this preface I wish to thank the Government heartily for enabling a citizen like me to advocate in the Reforms Committee the cause he dearly loves - the cause of responsible government. Civil liberty for the expression of one's views fearlessly on constitutional questions is one of the blessings that the people of Mysore are enjoying under the benign rule of His Highness the Maharaja. The wide terms of reference to this Committee are themselves proof of this. I have in the body of the note set forth all my views on all the important points.

10. I wish also to add that in the Chairman of the Committee I found one that gave the fullest liberty of expression of all views even though sometimes he found in me the only exponent of particular views at the closing stages of the Committee. I am highly thankful to him and all the other members of the minority and majority views and communities of the Committee for the spirit of toleration and sympathy shown for all points of view.

Fundamental Considerations taken into account by the Committee in recommending the form of the Executive for Mysore.

11. *Evolution and Working of Local Self-governing Institutions in Mysore.*- My colleagues have reviewed the evolution and working of the local self-governing institutions in Mysore

in paras 70 to 74 of the Report. One remarkable feature brought to notice by this review is that local self-governing institutions have been in existence in Mysore for the last 76 years. The steady advance since that date in local self-government and the long continued experience that the people have gained in working these institutions, are very important features of public life from the point of view of the advocate of full and immediate establishment of Responsible Government. It is no doubt easy to point out various defects in the working of these institutions. No human institution could be perfect. It is said that the work of the Municipal authorities of London itself—the home of the mother of Parliaments—is highly defective and that various reforms are called for. To find out whether there is any presence of communalism to any large extent in the local bodies in Mysore one might profitably turn his eyes to the non-official elected Presidents of the Municipalities and District Boards of the State. In the District Boards two of the Presidentships are held by Muslims; two by Brahmins; two by Veerasaivas; one by Vokkaligars; and one by one of the minority sections of the Hindus. This proves beyond doubt that communal considerations are not a dominant factor in the public life of Mysore at present. In fact even in the matter of nomination of representatives of the minority communities to the local bodies, criticism against the Government in the Assembly has been levelled for nominating members of the minority communities who have been successful in the general elections to those bodies. If statistics of the successful members of the minority communities in elections to the local bodies be taken, it will reveal that minorities in the State are not suffering simply on the ground of their being minorities. Hence I am of opinion that those that would point only to the defects in the working of the local bodies and oppose the immediate establishment of responsible government overlook the fundamental consideration that the people of Mysore have had a long continued, experience in working those institutions. It is the experience that counts. As professor F. J. C. Hearnshaw observes (in his study of King Edward VII) "Long apprenticeship in local self-government seems to be indispensably necessary if self-government on a national scale is to be successful."

12. In my opinion self-government or responsible government will be successful since Mysore has had that

long apprenticeship in Local Self-Government for more than three-quarters of a century.

13. *The Growth of Political Consciousness in Mysore.*— The growth of political consciousness in Mysore is dealt with in paras 75 to 85 of the majority report, (1) In para 77 my colleagues remark: "The most difficult portion of our task has been to assess to what extent the recent agitation in the State is an induced phenomenon and to what extent it is really a spontaneous growth, (2) In para 79 they state that political aspirations were not very conspicuous in the early stages and that the relations between the Ruler and the ruled were characterised by harmony. (3) My colleagues next refer to the growth of the communal movement and the later developments in the birth of the Congress movement in Mysore, (4) Haripura resolution of the Indian National Congress is referred to in para 83, (5) My colleagues next refer to the tragic incidents at Vidhuraswatha and the findings of the Ramesam Committee report in para 84, (6). In para 85 my colleagues state their inference as follows: "That in the activities of the Congress party in this State in the past two years, considerations of "truth" in propaganda and "non-violence" in action have not always been honoured in their observance," (7) In para 85 my colleagues further observe that communalism is not dead in the State and "that the form of full responsible government might be used as an instrument of unrelieved majority rule, which would differ little from the rule of the majority communities, (8) My colleagues next review the progress of education in the State. They refer again to the Vidhuraswatha incidents and give this warning, "Vidhuraswatha will stand as a beacon of warning for a long time to come." And they come to the following conclusion: "We are emphatically of opinion that it would be no part of wisdom to ignore the fact that the present level of the political consciousness of the people at large would not justify the placing, all at once, of the burden of what is called full Responsible Government" (para 88).

14. The above points are of utmost importance and require detailed consideration. Before doing so it is necessary to indicate in a very brief manner the present system of Government as also the objective of the peoples' movement in the State. The observations of my colleagues regarding the growth of political consciousness in Mysore will then appear in proper relief.

15. *The State Council in Mysore and the present System of Government.*—The Dewan is a member of the State Council or Cabinet in Mysore. Although the Maharaja is " The Chief Executive Authority" he is not the actual executive. The actual executive duties are carried on by the Dewan and Members of the Council. In this sense the Dewan is regarded as "The Chief Executive Officer" and the other Members as executive councillors. Although the "Ultimate Governmental Responsibility " rests with the Maharaja, the actual formulation initiation and direction of policies are not done by him. The responsibility in all these matters is vested in the State Council. In this sense it is a Council of ministers "to aid and advise" the Maharaja and the Dewan's position corresponds to that of "First Minister" or Prime Minister. The Dewan and Councillors together form the "Executive Ministry " in Mysore. This "Executive Minist y" is appointed by the Maharaja and is not responsible to the Legislature. Only after undergoing a regular process of examination and joint consultation in the State Council are all important orders issued in the "Maharaja's Name" and by " His will." His Highness the Maharaja exercises the prerogatives of ultimate ratification or veto.

16. The fulfilment of the aspirations of the people for responsible government rests not in any change in the system of administration described above but simply a change of the method of selection of the Dewan and Councillors. Instead of there being merely officials far removed from the daily life of the people there should be non-officials who have given proof of their efficiency in public life and who are answerable to the people for the policies they formulate and the executive functions they perform. It is not merely the maintenance of a good Government according to official notions that will satisfy the peoples' legitimate aspirations, for the simple reason that the term "good" in the political world is completely a relative term.

17. It is only the people that toil, pay taxes and maintain the Government that can continually determine what is good for themselves. The Government can only be "good" to the extent that its policies are determined by the tax-payers, *i.e.*, the people. It is undoubtedly true that those that are now responsible for its administration in Mysore are men imbued with the highest sense of duty and service to the State. But that does not make the

Government in all respects "good" since their policies not being determined by the people or their representatives may or may not be acceptable to the people. When people are politically conscious and awakened to a sense of right, the old order of things must change.

18. The fundamental principles underlying the treaty in Mysore were stated by the Chief Commissioner of Mysore on 10th February 1879 in his minute to the Government of India, "These principles contemplate the taking of adequate guarantees from the native Sovereign for the continued good Government of the Province, *in a manner adapted to the advanced ideas of right which the people have attained to under British Rule.*" This conclusively proves that no "good Government" in any absolute sense, *i.e.*, unrelated to the legitimate aspirations of the people ("advanced ideas of right") is contemplated in the treaty relations. Mr. Gordon speaks of the "Advanced ideas of right" which the people of Mysore had attained to under British Rule in 1879 alone. If that essential spirit that animated the treaty clauses still continues to dwell in them, then the immediate establishment of responsible government under the aegis of the Maharaja is the natural constitutional development of the treaty itself. I shall refer to this more fully later.

19. In the essentials of a "constitution for a native State" there was no need then to include anything about responsible government in 1879 in the beginning of a constitution itself. And certainly the peoples' ideas were not then so advanced as that. But in 1939 things are different. The foundations for responsible government in Mysore were laid by the Chief Commissioner and first Resident of Mysore in the enunciation of the above policy. The structure began to gradually appear when the Representative Assembly was started by the late Maharaja Chamaraja Wodeyar on the advice of Dewan Rangacharlu and the support of the then Resident Mr. Gordon. Conditions are now fully ripe for the completion of the structure by the immediate establishment of responsible government. The organisation of the life of the people in Mysore is built on such foundations as were laid by the far-seeing statesmen like Dewan Rangacharlu and the Resident Mr. Gordon. This was an inevitable development in a State which had a break with tradition for fifty years, *i.e.*, from 1831 to 1881. Such circumstances in the life of the people are bound to

tell on their political development. In fact a new tradition had been established and the then British administrators recognised its character.

20. In such favourable auspices as we have been placed under the benign rule of His Highness the Maharaja, peace with orderly progress and not conflicts should be the order of the day. And the constitution recommended should be such as to avoid all conflicts and it should be a challenging invitation to the discontented elements to come, prove their worth and advance by the sole merit of the work turned out. As professor H. J. Laski observes "No community could hope to fulfil its purpose if rebellion became a settled habit of the population." This applies to violent rebellions as equally to non-violent rebellions. Of course this does not justify rebellion, violent or non-violent. But what is the remedy ? "Rather we must seek a method of organisation which can direct the power of sacrifice to an ideal into channels of use to society as a whole." (H. J. Laski).

21. In my opinion it is the establishment of responsible government immediately that will be an inducement to bend the energies of political parties into useful channels of work for the good of the people. We are now in the stage of agitation for responsible government.

22. The four stages of political development as analysed in a general manner by Woodrow Wilson (in "Constitutional Government in the United States") are as follows : "A first stage in which the Government is master, the people veritable subjects ; a second in which the Government ceases to be Master by virtue of sheer force and unquestioned authority but remains master by virtue of its insight and sagacity, its readiness and fitness to lead ; a third in which both sorts of mastery would be failing and it finds itself face to face with leaders of the people who are bent upon controlling it, a period of deep agitation and full of the signs of change and a fourth in which the leaders of the people themselves become the Government and the development would be complete."

23. The first stage in Mysore might be traced up to 1881 roughly. In this period the fifty years of direct British Rule from 1831 to 1881 is to be distinguished from the prior period as remarked above.

24. It was during these five decades that the people became habituated to the British mode of administration and attained to the "advanced ideas of right" under British Rule. The second stage of development in Mysore commenced with the rendition in 1881 and continued up to 1936. To the good fortune of the State the Rulers of Mysore have with great insight and sagacity developed Mysore in all directions and have themselves led the people by virtue of their noble qualities. This is one of the chief reasons why political aspirations in Mysore have been of a slow growth. Again in the purely Indian and Mysorean Dewans of the State it was natural for the people to take pride, identify themselves with their policies and look to them only for the progress of the State. Here also the great names of Dewan Rangacharlu, Sir K. Seshadri Iyer, Sir M. Visvesvaraya and that of the present Dewan Sir Mirza M. Ismail, are sure to find a lasting place in Mysore History due to their great achievements for the progress of the State. Considering all these circumstances, leaders of the masses were slow to rise.

25. Not that there were not great leaders of public opinion. Perhaps it is true to say that great leaders came on the scene in the beginning of the second stage itself. But the masses then were not ready to be led by them. Nor was there any need for mass agitation. The Representative Assembly was itself something of a Congress for the State for a long number of years with the additional advantages of direct contact with the Government spokesmen. Hence all agitation was naturally confined within the Assembly itself. And here we had the heroes of a hundred battles.

26. Loyal to the core, intensely patriotic and burning with a zeal for progress of the State in all directions, men of undoubted integrity and ability, with unflinching courage and readiness for sacrifice—such were the men that the Assembly witnessed, in leaders like M. Venkatakrishnayya the late G. O. M. and his band of courageous followers. They held the field until the beginning of the communal movement. Outside the Assembly also publicists of acknowledged ability were continuously educating public opinion in Mysore on common problems of the native States, fundamental rights of citizenship as also on the question of responsible government.

27. It must here be noted that the communal movement was in the initial stages actively and openly encouraged by some of the highest State officers themselves in Mysore. Though it was thoroughly wrong in principle the leaders of the communal movement were preaching in terms of what they called "social justice" to all communities and they thought that this would be done by distribution of the Government appointments on a communal basis. Such questions allied to certain others such as the admission of all communities into certain schools and colleges on an equal footing created an impression that the amelioration of the conditions of the masses lay in a so called equitable distribution of the loaves and fishes of office and this policy was being placed before the electorate in the elections to the Assembly.

28. Hitherto the naturally more educated people had dominated the Assembly. It was also natural that they should belong to one community that due to various historical causes had voluntarily kept burning the torch of learning for centuries together. But their politics in the Assembly were not communal. They were essentially democratic in outlook and had begun to speak in terms of responsible government and the rights and liberties of the people. They naturally opposed communal ideas and did try their best to direct the attention of the public to common national questions rather than the sectional interests of ephemeral value. This explains the reasons why the resolution for responsible government was simultaneous with that of the resolution to enquire into the question of the representation of the " Backward Communities." in the services of the State in 1921 to which my colleagues have referred. The leaders of the non-Brahmin movement in Mysore however were not so sympathetic towards democratic advance but directed their attention to questions like representation in the Services and the Legislature. In his note submitted to the Seal Committee Mr. Mahomed Abbas Khan (My colleague in this Committee) who was then one of the stalwart leaders of the non-Brahmin movement observes as follows :—

"It is a matter of common knowledge that in the Representative Assembly, the majority of the seats are being captured by a single class to the detriment of other classes. Are we to allow these glaring inequalities to continue ? I am firmly convinced that there is a grave social danger in permitting any oligarchy as such, to plant its roots more and more firmly into the soil, on the grounds of abstract justice and providing them with additional weapons derived from the armoury of countries where

democratic conditions prevail, to enable them to maintain their formidable superiority in the present too unequal a contest."

29. Let me here observe in passing that the majorities in 1923 feared that democratic advance in Mysore might result in the oligarchy of powerful minorities. And now we are told in 1939 that the minorities fear that the establishment of responsible government in Mysore would result in the tyranny of the majorities. Thus the pendulum of fear now swings to the side of the minorities and then to that of the majorities according to the convenience of the hour to oppose democracy which is neither majority tyranny nor minority oligarchy, but is based upon a harmony of all interests to serve the national cause.

30. But neither the non-Brahmin movement nor the movement for responsible government did catch the imagination of the masses in Mysore. Though in British India there were deep stirrings of the people due to the non-co-operation movement and the emergence of Mahatma Gandhi on the political arena, it had little effect on the masses of Mysore in relation to their internal problems. Whatever agitation there was, it took the form of an expression of sympathy and solidarity with the British Indian movement for Swaraj but did not express itself in a demand for responsible government. In the meanwhile Indian National Congress Committees were springing up in all parts of the State and their activities had the effect of rousing up the masses in relation to the happenings in British India.

31. In such an atmosphere several attempts were made to focus public opinion on internal political problems. There were some All Parties Conferences held and a State Congress was also started in 1928 which functioned for three years and then became defunct.

32. In the meanwhile the Assembly and Council were dominated by communal leaders. They were not slow to realise that the conditions of the masses was not going to be improved by mere fights for communal representations in the services. They did not give up communal agitation but side by side, demands were being made for salary cuts to bring down the cost of the administration and they fought hard for land revenue remissions and real relief to the raiyats. They had placed however responsible government as the goal of political reforms in Mysore.

33. The policy of the Government however was to keep clear of the communal movement and in the economic fields they concentrated their attention upon building up the industries of the State. Industrial development now marks as one of the most distinguishing features of Mysore of which the people may well be proud.

34. Strangely enough the leaders in the Assembly and Council did not appreciate this attention given to the industries. For this attitude of theirs, apart from communal causes, there were however other potent causes which the Government missed to take due notice of. Representatives coming direct from the people had personal knowledge of the distress that prevailed in the rural parts and repeatedly they did demand reductions in land revenue as some relief to the suffering tax-payers. This was not done. They urged permanent cuts in the salaries and the bringing down of the cost of the administration. This was not done. They complained of coercive measures in the collection of land revenue, and strongly urged for remissions. The peoples' representatives and the Government were unable to see eye to eye in these matters. This brought about a cleavage between the Government and the representatives of the people. But still the differences did not take the form of agitation but simply manifested themselves in the legislature, but often their importance was relegated to the background by outbursts of communal jealousies.

This in short is the background to the period of agitation which commences from 1936. I will notice some other features of the stages that led up to the agitation in Mysore.

35. For a long time there was a comfortable belief that the solution of the British Indian problem, *i.e.*, Dominion Status (as then expressed) would automatically solve the internal problems of the Native States. The Butler Committee Report, the Round Table Conferences, all had the effect of dispelling such hopes. The need for a proper nationalistic organisation for the State was felt on all hands. But the branches of an organisation were already existing in the form of the Committees of the Indian National Congress and all that was required was to bring in a Central organisation. This was done. And the first Mysore Congress Board was started under the Presidentship of Mr. Sampige Venkatapathiah in January 1937. It was a rallying point for all nationalistic elements in the State, the

beginnings of a great organisation were foreseen but no conflict with Government was thought of. It was purely a question of constitutional agitation for responsible government and the President of the Indian National Congress, Pandit Jawaharlal Nehru, had clearly laid down this condition. At any rate, no satyagraha was to start without his express permission.

36. The Mysore Congress Board became familiar to the people in the elections. In the Representative Assembly the Congress party had begun to function with Mr. K. T. Bhashyam Iyengar as leader. In the very first session he paid very handsome compliments to the statesmanship of the Dewan (June Session, 1937). This shows that even with the birth of a Congress Party in the Legislature the Government still retained leadership over the people. Soon after the June Session of the Assembly, 1937, the Third period in Political development, the period of agitation did commence in Mysore. Agitation began as a protest against orders of magistrates prohibiting meetings and processions.

37. I have given in the above short description a rough outline of the history of the movement for responsible government up to the threshold of the period of agitation just to show that the agitation did not burst forth suddenly as an unrelated phenomenon. It had its historic causes both for non-manifestation in the earlier stages and for appearance in a strikingly pronounced manner in recent months. The latter aspect has now to be explained at some length.

38. On the threshold of the agitation period in Mysore it is most significant that the Indian National Flag should have figured in prominence. There were some flag incidents at Channagiri, Sagar and Ramadroog. These were brought to the notice of the Government through an adjournment motion in the October Session 1937 of the Representative Assembly and the Government frankly admitted the mistakes of the over enthusiastic Police Officers and the adjournment motion was withdrawn.

39. As the symbol of National Unity of India, the Flag had caught the imagination of the masses. It was an expression of solidarity with the Indian National movement for Swaraj. The flag but symbolised the actual change of outlook in Mysore. Thus the responsible government

movement was now lifted from its hitherto limited field of the Mysore State and appeared as but part of a great All-Indian National movement. Political aspirations in Mysore have been of slow growth as observed by my colleagues. But when they actually came up they breathed a greater atmosphere, realised a greater identity than set up by geographical limits. The soul of the movement in Mysore was but a spark or part of the All-soul of the Indian movement.

40. When such a change in mentality takes place unexpected results follow. My colleagues feel a surprise at the history of Mysore not running with the same smoothness as before (para 77) since 1937. The reason is to be found in the change of outlook that came about. When the mind is freed from the ordinary confines, when higher relations than those warranted by the Physical borders of the State are felt, when aspirations for responsible government hitherto thought of as confined to the State are for the first time actually felt to be identified parts of the noblest and highest aspirations of India as a whole a tremendous power is generated and the highest springs of human action come up to the surface. Sacrifice for the national cause—that will be the dearest ambition cherished by the leader and follower alike.

41. When all this was creating self reliance and speeches in that strain began to be made by the leaders of the movement the ground was prepared for an inevitable conflict between the Government and the people. Hence there could not be any induced phenomenon in the Mysore movement as my colleagues think, but a very natural indigenous phenomenon appeared, though it might have been late. But as the "Seal Committee" observed: "There is an advantage in being born late in life." There was no history so distinguishing to the movement in Mysore as to that in British India. But the Mysore leaders were thinking somewhat as follows:—"When solidarity is affirmed, when the part is identified with the whole, the heritage of the whole belongs to the part as well. So if the Indian National movement took fifty years to build up its Institution, power, prestige and position in the country, the Mysore movement need not wait for a repetition of history; there were no two movements; it was one struggle for the whole of India; ours was but a part of the big struggle; whatever success the latter has achieved is also to be shared by us. Moreover

we have also sacrificed for the great cause." Such were the great thoughts working in the minds of the leaders. The result was that the Government's leadership in the State, which had been built up by sagacity and sincere intentions for the welfare of the people, began to be attacked and questioned.

42. By this time the peoples' party consisting of the non-Brahmin leaders had been dissolved and all of them with few exceptions had embraced nationalism. This was an inevitable development. My colleagues observe in para 82 of the Report as follows :—

"The coming into power of the Congress ministries in many British Indian Provinces in July 1937, however seems to have changed the attitude of the leaders of the "peoples federation" towards the Congress party and this resulted in the emergence of a new party under the name of the Mysore Congress owing allegiance to, if not working as a branch of, the Indian National Congress."

This description is historically inaccurate and the causes that led to the dissolution of the "peoples party" are not fully set out. What really happened was that before the sweeping forces of nationalism, communalism could no longer hold its sway in Mysore. Its days were numbered and final extinction was a foregone conclusion. Though in the elections of March 1937 the Congress success was not so marked chiefly due to want of proper organisation, however by October of the same year, the Congress Committees had spread all over the State and there was unprecedented enthusiasm evinced by the masses to hear the Congress message. The period of agitation had preceded the dissolution of the "peoples federation" and not merely followed it as my Colleagues think.

43. The walk-out staged by the Assembly Congress party as a protest against the repressive policy of the Government had been decided upon prior to the coming in of the non-Brahmin leaders. The arrest of the leader of the Assembly Congress Party, Mr. K. T. Bhashyam, on the midnight of the 15th October 1937 in the Representative Assembly Home gave a tremendous impetus to the move. It is however most significant that the Congress members that walked out returned to the Assembly the same afternoon with cries of "Sri Krishnaraja Wodeyar Ki Jai" and "Congress Ki Jai."

44. Outside the Assembly the public were greatly agitated over the incidents in the Assembly and the arrests of the leaders. The whole atmosphere was electrified and at such a moment, the tours undertaken in the State by Mr. K. F. Nariman, Bombay Congress Leader, naturally attracted very huge crowds. And the unhappy incidents in Bangalore on the 24th and 25th of October 1937 were not merely due to the actions of the people, but were also the results of tactlessness and provocative behaviour of the Police. This is proved beyond the shadow of doubt by the strictures passed by the Sessions Judge of Bangalore against the behaviour of the Police in the first case connected with the disturbances.

45. The peoples' enthusiasm for the cause of responsible government could also be guaged by the vast multitudes that came up to hear the Congress speeches especially during the All State tour of Dr. Pattabhi Sitaramaiah, British Indian Congress leader, and Mr. Balawantaroy Mehta, Secretary of the Indian States Peoples' Conference. In all their speeches they paid a tribute to the forward policy of Mysore State as compared with other Indian States and appealed to the Government to go forward in the matter of Political Reforms too. My colleagues remark that a considerable amount of agitation and organised propaganda was started and carried on in its name (Mysore Congress) and with external aid. I would only draw attention to the nature of the external aid in the persons of Dr. Pattabhi Sitaramiah and Mr. Balawanthroy Mehta. This aid was of a most helpful nature and their suggestions were constructive. At one of the critical periods in the recent political history of Mysore these leaders of British India gave a proper direction to the people of Mysore by placing before them the really progressive nature of the administration in Mysore as compared to other native States and showing also that the proper method of approach to the problem of Responsible Government in Mysore would be to appeal to the Government in the proper spirit. No one should regret such external aid.

46. That the Mysore Congress Board alone was not the sole agitator for Political Reforms in Mysore is amply proved by the proceedings of the January Sessions of the Legislative Council in 1938 which my Colleagues have referred to. That the desire for progress was shared by extremists and moderates, the vested interests as well as the

common mass of people is proved by the resolution on further constitutional reforms moved by Mr. P. Subbarama Chetty, M. L. C., Representing the Mysore Ch mber of Commerce, he may be regarded as a representative of the vested interests in Mysore. The following extracts from his speech are well worth noting.

"I beg to say that our Representative Assembly was constituted in 1881, *i.e.*, 56 years back. I think it is older than the Indian National Congress.

".....I want to draw the attention of the Government that so far as the elected element of our Council is concerned, it does not compare favourably with that of the Cochin Council. Even with regard to Travancore, we do not compare favourably..... If we go through the history of political reforms in British India, we see that they have been given in rapid succession. Every ten years they have had reforms, and now they are enjoying Provincial Autonomy. In case we compare our constitution with the constitution in the British Indian Provinces. we will find that we are something like twenty years behind times."

47. It is worthy of note that the resolution in the Legislative Council was seconded by a Congress member Mr. Belur Srinivasa Iyengar and supported by Mr. D. V. Gundappa as also by *Rajasabhabhushana Diwan Bahadur* K. R. Srinivasa Iyengar (Chairman of the present Committee). Thus it will be seen that all sections of the public were of opinion that constitutional reforms were long overdue in Mysore. One of the causes of the agitation in Mysore is certainly traceable to this delay. As regards the agitation itself Mr. Belur Srinivasa Iyengar, Congress M. L. C., made this sincere appeal to the Dewan on the floor of the Legislative Council :--

"If in our desire to attain to an equal status with the citizens in the neighbouring province of Madras, we happen to commit some breaches of the law, it is for you to be generous. You have been good to us in the past. Be so in future also. .....you have commanded our affectionate regard till now. Continue to command the same."

48. When Government announced their intentions to constitute a committee on constitutional reforms, a new situation was certainly created in the State and the then Mysore Congress Board was quick in responding. The President of the Board, Mr. K. Chengalaraya Reddy sought an interview with the Dewan and assured him of co-operation with the Committee. This had the effect of releasing the tension in the State ; the political prisoners were all released and pending cases withdrawn. This clearly shows that the

Mysore Congress Board at that time was not carrying on agitation for the sake of agitation. My colleagues remark that the events rapidly took a turn for the worse in spite of the appeal made by the Dewan for harmony and co-operation in October, 1937. The narrative that I have given will show that when that appeal was followed by the proposal for the constitution of Reforms Committee, good relations were immediately established.

49. While this was the state of affairs of Congress activities in Mysore, the Haripura Resolution of the Indian National Congress was passed and given effect to, as referred to by my colleagues. Some other aspects of this Resolution must now be stated by me. This Resolution may be regarded as the charter of liberties of the States' peoples of India. It energised their movements in a measure beyond expectations. A new message of sympathy and moral support was given and there was a clarion call for a self-reliant struggle broad-based upon internal strength in order to reach that "not far distant day of the States Peoples' deliverance" The Indian National Congress stand for full responsible government and the guarantee of civil liberty in the States was affirmed with an assurance of solidarity with the people of the States and an active vigilant interest in their movement for freedom. India is one and indivisible and that its integrity and unity must be maintained in freedom as it has been maintained in bondage was the central ideal of the whole Resolution placed before the States' peoples.

50. It is only against such a proper background that the course of subsequent events in Mysore full of misery and human suffering can be rightly understood. And to the extent that we lose sight of the full vision, will our conclusions be narrowed down to a too legalistic method of judgment. The Flag then symbolised the movement for responsible government. The Goribidnur Congress Committee which issued instructions for the disobedience of the Flag order clearly stated that it was their duty to "protect the honour of the National Flag which is dearer than our own lives" (Ex. 47 Ramesam Committee Report, page 7). This grim determination behind the peoples movement is the central important aspect which the Ramesam Committee missed to take due note of. They looked at the events merely from Magistrates' point of view and to base any judgment on the peoples' fitness for responsible government on the Ramesam Committee findings would be highly

dangerous. For after all the Magistrates have to judge according to the present law of the land and order of things and they naturally condemn all disobedience of prohibitory orders without taking any notice of the deep workings of men's minds, which might often have the result of changing the order of things itself.

51. By the above I am not in any way justifying the Flag Satyagraha. My strong opposition to it was at that period publicly stated. At Shivapura itself I did strive my best to avert Satyagraha by proposing the honouring of the Mysore Flag, along with the National Flag, though without success at that time. Mahatma Gandhi, on being apprised of the situation by representations, agreed with the view and the final formula suggested by him became the basis of the friendly understandings arrived at on this question between the Mysore Congress and the Mysore Government through the intervention of the Great Indian National Congress leaders, Sirdar Patel and Acharya Kripalani. This settlement of the issue of the Flag, which had created "powerful misunderstandings" between the Government and the people is an important event in the history of Mysore (cf. Government order of 17th May 1938).

52. What I wish to draw attention is to the fact that the intensity of the movement for responsible government should not be lost sight of in drawing conclusions from the Ramesam Report. In the clashes that occurred grave errors were committed by the leaders of the Peoples' Movement. For example no one can forgive them for their deserting the crowds to their fate after the firing began at Viduraswatha. I also do affirm that the custodians of law and order blundered and did not handle the situation at Viduraswatha properly so as to avoid human suffering as is borne out by the findings of the Ramesam Committee itself. In this respect, I would like to draw attention of the Government to the following paragraph of the Ramesam Committee Report, *i.e.*, paras 46, 47 and 50, 51 and 52. Hence grave errors committed both by the Mysore Congress Leaders as well as by the Officers of the Mysore Government culminated in the Viduraswatha tragedy and the sanctity and calm of a place of holy pilgrimage and meditation were violated for the first time in the history of Mysore.

53. My colleagues have drawn attention to the untruth in propaganda and violence in action of the Mysore Congress

Party as per findings of the Ramesam Enquiry Committee. I admit that these are condemnable wherever and whenever found. But these apply equaly well to the actions of the Government Officers too. Their violent mentailty was fully revealed before the Ramesam Committee. They looked at the mob not as composed of the subjects of His Highness the Maharaja who are to be properly guided by the avoidance of force as far as possible. But while the District Magistrate (Commander ?) kept himself at a "safe" distance, the Officers on the spot (battle field ?), as is evident from the evidence fancied that they were the heroes of historical decisive battle fields of Mesopotamia and Greece and regarded the crowd as "foreign enemy" come to attack the "constitution of Mysore" (to establish responsible government under the aegis of the Maharaja!) But for the terrible scale of human suffering, certainly the actions of these officers and the mentality revealed by them would be fit material for a modern Cervantes.

54. And as to the actual extent of mob voilence at Viduraswatha, referred to by the Ramesam Committee and drawn attention to by my colleagues, it will be interesting to know whether even a single policeman did die of it or receive any injury worth the name. All the "casualties" were on the side of the people. Ramesam Committee themselves were constrained to advocate some non-violent method of effectively dealing with the crowds in future. Similarly as regards truth, I would point out that the Ramesam Committee did not accept the versions given by all the officers as true. Dr. DeSouza's supplemental note to the Ramesam Report deserves to be read very carefully. Truth and Non-Violence are no doubt to be followed by the Mysore Congress in conducting the movement but truth and minimum use of force and a sincere desire to avoid force are also to be followed by the Officers of Government.

55. If by referring to the Viduraswatha incidents and Ramesam Committee's findings, my colleagues wish to suggest that the people of Mysore do not deserve the immediate grant of Responsible Government, since grave errors were committed by Mysore Congress leaders at that time, I would point out that it also logically follows from the Ramesam Enquiry findings that the present system of Government in Mysore has outlived its usefulness and must immediately change, since grave errors were committed by

the officers as admitted and condemned by the Ramesam Committee itself.

My colleagues state that "Viduraswatha will stand as a beacon of warning for all time to come"—I will only add that it is a beacon of warning both to the Officers of Government as well as the leaders of the people. Thus in the result, this kind of argument will lead us nowhere. This is not the proper method of looking at things at all. The proper view to be taken was enunciated by the Butler Committee in 1928. My colleagues have referred so much to paramountcy relations that it will be interesting to note what would be the proper view that even the paramount power should take of the incidents according to Butler Committee.

Princes and People.

Butler Committee Report, para 49—

"The duty of Paramount Power to protect the States against rebellion or insurrection is derived from the clauses of treaties and sanads, from usage and from the promise of the King Emperor to maintain unimpaired the privileges, rights and dignities of the Princes. This duty imposes on the Paramount Power correlative obligations in cases where its intervention is asked for or has become necessary. The guarantee to protect a Prince against insurrection carries with it an obligation to enquire into the causes of the insurrection and to demand that the Prince shall remedy legitimate grievances, and an obligation to prescribe the measures necessary to this result."

Popular Demands in States.

Butler Committee Report, para 50—

"The promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him and to substitute another form of Government. If these attempts were due to misgovernment on the part of the Prince, protection would only be given on the condition set out in the preceding paragraph. If they were due, not to misgovernment, but to a wide-spread popular demand for change, the "Paramount Power" would be bound to maintain the rights, privileges and dignity of the Prince; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince."

56. The Ramesam Enquiry Committee themselves (in para 116 of that Report) have held that Mysore is one of the best governed States. In spite of this fact, there was

an intense agitation in the State, *i.e.*, "a widespread popular demand for change." The tragic incidents of Viduraswatha are to be regretted. but they indicate the strength and volume of public opinion and the peoples' readiness to face extreme suffering.

As the Butler Committee truly observe, "If they were due not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, power and dignity of the Princes; but it would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince."

57. But there is no need nor is there any desire on the part of anybody for any intervention on the part of the Paramount Power and responsible government in Mysore should be established as a matter of friendly understandings and adjustments between the Government and the people. The Government who have led the people till recently would hereafterwards be leading them again to the full heights of their political developments.

58. I have already referred to the fact that the relations between the Government and the Mysore Congress became harmonious once again after the release of the Political prisoners and the acceptance of the resolution for the constitution of the Reforms Committee. After the Haripura Resolution the Mysore Congress came into existence at Shivapura on April 10th, *i.e.*, ten days after the publication of the Government Order constituting the Reforms Committee. In this intermediate period the differences between the Government and the leaders related to minor matters concerning the constitution of the Reforms Committee. At Shivapura the prohibitory order of the District Magistrate was a sudden last minute development and the Flag Satyagraha was similarly unpremeditated, though unfortunately it side-tracked the attention from the main issue of constitutional reforms. But for the complications introduced by the Flag orders and Satyagraha thereupon, mere policies of co-operation or non-co-operation with the Reforms Committee being purely constitutional activity would not have brought about any serious situation in the country. . To further substantiate my argument, I only refer to the recent withdrawal of my friends of the Mysore Congress, not only from the Reforms Committee but from the Legislature and local bodies from 26th February

1939 as per Malleswaram A.M.C.C. Resolution. Nothing tangible has come out as a result of this policy and the public tranquillity has not been in the least got affected thereby. It has weakened their position in the country, showing clearly that the public of Mysore while demanding responsible government are not blind supporters of all sorts of policies. Reason does count with the public of Mysore very greatly.

59. The various speeches referred to by the Ramesam Enquiry Committee mostly date to the period before the Shivapura Convention. If then, as my colleagues infer, that truth in propaganda and non-violence in action have not characterised the Congress movement in Mysore—why then did not violence burst forth in all its virulence at Shivapura itself at the first convention where there was a whole army of the Mysore Congress soldiers of "violence" and leaders of "untruth"? Why did crowds of fifty thousands behave so non-violently in spite of 'untruthful' propaganda there? The Shivapura Flag incidents are an excellent testimony to the restraint and forbearance of our people in Mysore even in the face of grave situations. At the same time the District Magistrate and the Police by their most tactful but firm action upheld authority in a most dignified manner that does credit to the Civil Service in Mysore. I do not justify the District Magistrate's prohibitory order there, since Flag hoisting was arranged to take place on private land. But the manner of handling the situation created by the order deserves the highest commendation. I have no hesitation in stating that the best, in fact the true, aspect of the peoples' movement as well as that of the Government was revealed at Shivapura in the incidents connected with the peaceful Flag Satyagraha. I am therefore in complete disagreement with the inferences drawn from the Ramesam Committee findings by my colleagues. A whole peoples' movement can neither be condemned by the conduct of the local leaders nor a whole Government discredited by the behaviour of the local officers, as at Viduraswatha.

60. In fact it was with true insight that His Highness the Maharaja appreciated the public spirit and patriotism in the peoples' movement. "I have been commanded to assure you that His Highness has been watching with keen appreciation the growth of the public spirit and patriotic zeal among his subjects and that their aspirations

for larger opportunities to serve the State will meet with due response at the proper moment" (Dewan's Address to the Assembly, October 1937). The beloved Sovereign's judgment of the peoples' movement is there and it overshadows the findings of any number of committees.

61. When there is such a popular awakening in the State "the best and only remedy is to make popular representatives responsible for the administration" as suggested by Mahatma Gandhi in his statement issued on April 29, 1938, four days after the Viduraswatha tragedy. "The tragic deaths and injuries inflicted upon innocent persons would be small price paid for the liberty of the people" (Mahatma Gandhi).

62. Sirdar Patel and Acharya Kripalini gave very wholesome advice to the people of Mysore in a public meeting at Bangalore. They pleaded for a new era of good understanding between the Government and the people and advised the honouring of the State Flag along with the National Flag. They strongly advised against Flag Satyagraha in a native State.

63. The proper conclusions to be drawn from the tragic incidents are wholly different from what my colleagues have stated. The remedy lies as suggested by Mahatma Gandhi in establishing responsible government. The Mysore Government Order of 17th May 1938 hoped, by the withdrawal of prohibitory orders and release of political prisoners, that there would be a "conclusion of a period of doubts and difficulties and the inauguration of a new era of progress and prosperity in the State." The people of Mysore have responded to this noble call on the part of the Government. The State Congress leaders have no doubt non-co-operated with the Government recently. But their actions have had little effect upon the public and the people of the State are now looking forward to the Government of His Highness the Maharaja for the fulfilment of their aspirations. The present harmony in the relations between the Government and the people is a most opportune moment for the establishment of responsible government so that leaders of the people may now come forward and shoulder the burden of the administration and build upon the sure foundations that have so far been laid by the present system of administration for the progress and prosperity of the people of Mysore.

64. My colleagues have next referred to the literacy of the few and the illiteracy of the many as one of the obstacles to the immediate establishment of full responsible government. Within the last sixty years the Government have been able to educate hardly ten per cent of the population. Granting that the same progress would be maintained without stagnation and in arithmetical progression it would take six hundred years before universal literacy is attained in Mysore. Rather than wait for such a long period to establish responsible government, it would be better to make the people themselves responsible for the formulation of their educational policies. My colleagues point out that there is a danger in the combination of the literacy of the few with the illiteracy of the masses in the body politic of Mysore. But the Viduraswatha incidents referred to by my colleagues have revealed that the greater danger to human life and prosperity in Mysore consists in the well-placed literate few, (*i.e.*, Government Officers) acting up to the ideal of mastery over illiterate toiling masses instead of to the ideal of service to the people, as when under a system of responsible government. As the Working Committee of the Indian National Congress stated the remedy lies "in establishing responsible government in the State so that the responsibility for law and order including firing whenever it is deemed necessary will be shouldered by a Government answerable to the people." Dewan Rangacharlu, the first Dewan of Mysore. observed with a keen practical insight when he said "If the spread of any high degree of education among the great mass of the people were to be insisted upon, we may have to wait for ever."

The Status of the Ruler in Mysore.

65. In para 91 my colleagues state "The Sovereignty of the Ruler is circumscribed by his responsibility to the Paramount Power" and at the same time remark that "The source of all power, jurisdiction and authority in Mysore is the Ruler." I have shown at a later stage while considering the treaty relations that there would be freedom from interference on the part of the Paramount Power if the Government is conducted in a manner adapted to the advanced ideas of right attained to by the people. I have shown that responsible government would be a natural development of the treaty relations. From this view it will be clear that the Ruler will enjoy a higher status and a real Sovereign

status when a system of responsible government is introduced than the present inferior status of restricted sovereignty even in internal matters, since in the absence of a popular form of Government he will have to be answerable to the Paramount Power, (*i.e.*, the Political Department of the Government of India) for all measures undertaken by his Government. I have also shown at a larger stage that the limitations imposed by the Paramount Power arise on account of the "Sacred Obligations" of the Paramount Power to the people of the State. Hence under a popular form of internal Government these restrictions automatically cease and the Ruler in Mysore would then really become unrestricted source of all power, jurisdiction and authority in Mysore.

66. If still for argument's sake it is admitted that there would be any unwarranted interference on the part of the Paramount Power in matters connected with the internal sovereignty of the Ruler even after a popular form of Government comes into existence, then instead of making an unaided personal stand as at present to cope up with such situations, he would be having the fullest and most loyal support of all of his subjects since their freedom will then be fully equated with the enjoyment by him of internal sovereignty.

In support of my observations made in the two previous paragraphs, I would refer to the minute submitted to the Government of India by Mr. Gordon, Chief Commissioner for Mysore, on 10th February 1879. In para 4 he observes as follows :—"It should be the interest of the Chief to seek advice and assistance when necessary, bound as he is to satisfy the British Government that the State is being governed in accordance with the best interests of the people." It is quite possible to infer from the above that when the people themselves would be made responsible for the administration, the Paramount Power cannot have any more reason to interfere.

At this stage it is now necessary to consider the treaty relations in full.

The Treaty Obligations.—The Treaty relations are in no way a bar to the development of full responsible government in Mysore. In my opinion, responsible government itself would be a natural development of the treaty relations. If

the treaties were in any way restrictive of the full political development of the people then in plain language the status of the State's people is reduced to that of mere chattels and slaves. Then the Paramount duty of the State's people would be to repudiate these dynastic treaties of the Rulers of Native States with the Paramount Power. But such an extremist and ultimate position is unnecessary to take and unjust to the framers of the treaty clauses of Mysore—the great British statesmen that were responsible for the Rendition. Hence I am in complete disagreement with the interpretation put by the majority of my colleagues in para 105 of the Report. I am of opinion that absolutely no difficulties are created in the way of full responsible government by the existence of paramountcy relations. It is necessary to dilate upon this point further and go into the full history of the case by quoting several passages from the correspondence that led up to the treaty in 1881.

68. In a letter dated 11th March 1862, the Viceroy wrote to the Maharaja as follows regarding the Rendition of the Mysore territories :—

"The obligations of the British Government to the people of Mysore are as sacred as its obligations to the Maharaja..... It is equally alive to its obligations to the people of Mysore, and to the responsibility for their prosperity and welfare of which it cannot divest itself. It has been, and will continue to be scrupulously just to both the parties."

The Maharaja of Mysore in a Kharita dated 25th January 1865 wrote as follows :—

"If, then, the only object of the Government is the prosperity of the people of Mysore, and if that prosperity can be guaranteed by the continuance of the present system, then my restoration can in no way clash with the truest interests of the country."

To this point the Viceroy replied as follows in his letter, dated 5th May 1865.

"Your Highness asserts that if the administration of the country were restored to you, you would maintain the existing form of administration under British functionaries; but such an arrangement would never work satisfactorily."

The Maharaja wrote to the Viceroy as follows in his Kharita, dated 4th July 1866 :—

"I have learned that the possession of absolute power is a dangerous and undesirable possession for any man; and I have observed that

although my unskilful use of absolute power in early life has been severely blamed, the British Government is careful to entrust no such prerogative to any of its functionaries from the highest to the lowest. Every officer, civil and military, every magistrate, including even the monarch, is ruled and guided by law. To this great method of established law and order, in financial, judicial and administrative affairs, I should wish my Government to conform, and I am ready and willing to bind myself and my successors to rule in obedience to such regulations and ordinances as in the first instance and from time to time may be approved by the protecting power."

70. The Secretary of State (Stafforrd H. Northcote) while communicating the decision of Her Majesty's Government to the Viceroy to restore the territories to the Maharaja writes in his command paper dated 16th April 1867 as follows: (para 5) "In considering the stipulations which will be necessary to give effect to this arrangement, I have, in the first place to observe, that Her Majesty's Government cannot but feel a peculiar interest in the welfare of those who have now for so long a period been subject to their direct administration, and that they will feel it their duty, before replacing them under the rule of a native Sovereign, to take all the pains they can with the education of that Sovereign; and also to enter into a distinct agreement with him as to the principles upon which he shall administer the country, and to take sufficient securities for the observance of the agreement..... (6) "It will be the duty of the British Government.....to enter into an arrangement with the Maharaja for the purpose of adequately providing for the maintenance of a system of Government well adapted to the wants and interests of the people."

71. In the Government of India despatch to the Secretary of State, dated 22nd May 1879, the Viceroy and Members of Council have observed as follows:—

"We have also decided, subject to your Lordship's approval, that the internal Government of Mysore shall be constituted upon certain essential principles, which the future Rulers of the State will be required strictly to observe."

"As this part of the subject is of primary importance, it may be convenient that in the present letter we should begin by explaining the grounds upon which we have come to our conclusions regarding the future constitution of the Mysore State, and the necessary limitations to the personal authority of its ruler.

(2) "In the despatch which communicated to the Government of India the decision of Her Majesty to maintain the family of His Highness the Maharaja upon the throne of Mysore, the Secretary of State laid

stress upon the peculiar interest felt by Her Majesty's Government in the welfare of the inhabitants of that State, who have for so long a period been subject to direct British administration. It was affirmed to be the duty of the Government to enter into a distinct agreement with the native ruler regarding the principles on which he should administer the country; and, before confiding to him the administration, to make adequate provision for the maintenance of a system of government well adapted to the wants and interests of the people We have followed these authoritative instructions in framing the scheme of administration which we think best calculated to assure the stability of the Maharaja's rule, and the prosperity of his people.

(3) "..... All such fundamental axioms of Government as are recognised in British India and have been for many years extended to Mysore will, with the modifications rendered necessary by the transfer of jurisdiction, continue to be binding upon the administration of His Highness the Maharaja.

(4) "..... It is necessary to maintain the dignity and comparative independence of His Highness, by reserving to him personally some substantial share in the actual direction of the affairs of his State; remembering that in the great majority of the States in India the Chief's authority is by theory, though not actually, unlimited. But this consideration has to be subordinated to the still more essential necessity of providing beforehand some positive guarantees and checks against the consequences which would follow any serious misuse of the Chief's power through inexperience, through an unfortunate disposition, or under the advice of bad counsellors. And we have also to apply to the supreme controlling supervision of the Government of India, that, while the constitution, framed with these objects, shall continue effectively to fulfil them, the Prince and his Government shall not feel themselves kept too closely under tutelage and restraint.

(5) "Under these conditions, our first object has been to surround the Maharaja with counsellors and high officials of known ability and experience, and to establish such methods of transacting public business as shall ensure every step being taken after deliberation and under distinct responsibility. We have consequently decided to constitute a Council of three Members, under the presidency of His Highness the Maharaja,..... It will be the duty of the Council to deal with all the most important measures connected with the administration; with all propositions (for example) which involve reference to the Government of India, ... The concentration of the executive authority over all departments in a native State in the hands of a single high official is known by experience to be attended with risks and disadvantages.

(6) "Your Lordship will observe that the Chief Commissioner proposes to supplement the Executive Council by a deliberative assembly to be composed of respresentatives of leading classes and interests of the State;.....

(23) "The experiment of thus placing His Highness the Maharaja of Mysore at the head of a constitutional government--that is, a government to be conducted upon fixed and fundamental principles—undoubtedly

makes a new departure in the policy of the Imperial Government towards the Native States of India. To determine the proper method of dealing with these States, and of discharging the responsibilities which they entail upon the Paramount Power, has always been, and still is, a problem of great difficulty; *for the improvement of their condition, and their gradual assimilation to the general system and standard of the Imperial Government, is almost essential to their preservation*..... The native States have now no longer anything to fear either from foreign conquest, or from an annexation; while the Chiefs have received a distinct assurance from Her Majesty's Government that the succession of their legitimate heirs shall be recognised and maintained. Thus, while the power of the ruler has remained in theory, and occasionally in practice absolute, the natural preventives and antidotes to extreme imprudence and mismanagement have to some extent been withdrawn. It is certain that this freedom from fear of the consequences of lax and injurious administration has been to some perceptible extent detrimental in its effects upon the Chiefs, upon their counsellors and officials, and upon all those who are influential in the Government of the State.

(25) "..... That policy proceeds upon the broad principle that in order to guard against chronic misrule in a native State, and to obviate the necessity for frequent and arbitrary inter-position by the Supreme Government to remedy the consequences of such misrule, *it is expedient to avail ourselves of every opportunity of placing some reasonable limitations upon the personal power of the Ruler, or of the Minister, to whom the administration may be entrusted*..... If the application of these principles to Mysore be approved by Her Majesty's Government, they may form the groundwork of a settled policy which will guide the Government of India in the general discharge of its responsibilities towards feudatory States."

72. J. D. Gordon in his minute to the Government of India on the 10th February 1879 states in para 2 that

"These principles contemplate the taking of adequate guarantees from the native Sovereign for the continued good government of the Province, in a manner adapted to the advanced ideas of right which the people have attained to under British rule.

(3) "The above may be regarded as the essentials of a constitution for a native State, which may fairly be insisted on in the engagement to be concluded between the British Government and the Maharaja, preparatory to the restoration of the Province, and in respect of which no alteration of a material kind should be allowed, without previous approval of the Government of India."

(11) "As regards the Native Ruler himself, it is doubtful whether he should be required to assume the burden of personal administration. Having regard to the inevitable imperfections of Chiefs succeeding to power by hereditary right, and to the difficulties attendant on fixing on them the responsibility for the acts of the Government, it may be desirable that he should not take upon himself too much of the details of administration."

73. It was only after fully settling the principles as enunciated above that the clauses of the treaty were drafted. The following conclusions will emerge on an analysis of the above correspondence culminating in the treaty.

(1) That the Maharaja's obligations under the treaty relations arise on account of the "Sacred obligations" of the Par..mount Power to the people of the State.

(2) That no fixed system of Government to be settled once and for all time by the treaty was contemplated, but only a system well adapted to the wants and interests of the people was thought of.

(3) That the possession of absolute power is dangerous and undesirable whether for the monarch or for the highest officers and that the authority of the Maharaja as also that of the ministers are to be limited. In other words limited monarchy was to be the form of government for Mysore.

(4) That the treaty was to be regarded as something in the "nature of a constitution" for Mysore resting upon the fundamental principles that adequate guarantees are to be taken for the maintenance of good Government, in a manner adapted to the advanced ideas of right attained to by the people under British rule.

(5) That the assimilation of the system of Government in Native States to that of the system in British Indian Provinces is essential not only for the preservation of the States but also to ensure freedom from intervention on the part of the Paramount Power in the internal administration of the States.

(6) That limitation of the power of the monarch was proposed to be done by the establishment of the Executive Council, which was to be supplemented by a legislature or deliberative assembly.

(7) That the treaty requires the strict observance of certain essential principles and it is only to ensure such observance that a provision was introduced whereby any material alterations in the system were to be made by regular and formal processes with the concurrence of the Paramount Power.

(8) That any retrograde step tending towards absolute personal rule would be against the treaty, while any such step as the grant of Responsible Government, which further ensures the carrying on of a Government well adapted to the wants and interests of the people and to their advanced ideas of right, would be perfectly in accordance with the treaty relations.

74. *The question of the concurrence of the Paramount Power now needs further examination.*—My colleagues have drawn attention to the article in the press written by Sir Albion Banerji—former Dewan of Mysore—revealing that the approval of the Government of India was necessary to introduce the Reforms in 1923. Since the Government of India did give their consent it only confirms the view that the treaty does not impose any sort of limitations upon the political development of the people. Not a single instance of the Paramount Power having obstructed proposals for constitutional reforms including the grant of full responsible government has yet been pointed out. No ruler of any full-powered state has till now sought the advice of the Paramount Power in this respect. Under these circumstances it would amount to taking shelter under Paramountcy relations to point out to those relations as standing in the way of the establishment of full responsible government.

75. I am of opinion that the pronouncements of the British Statesmen Earl Winterton, Col. Muirhead and Lord Zetland clearly point out that the British Government will not stand in the way of grant of full responsible government.

76. In my opinion the interpretation put upon Col. Muirhead's second statement by my colleagues is not correct.

Col. Muirhead's Statement (Para 103 of the Report).	*The Interpretations put upon this Statement by my Colleagues.*
1. "It is not to be implied that the Paramount Power would recognise a Ruler as having endowed any constitutional body, which he may create, with a greater degree of authority than that which he himself is recognised as possessing."	1. "It is now obvious that no ruler could divest himself of his treaty obligations and ask the Paramount Power to deal with a popular Government of his own creation but not responsible to him in the first instance."
2. "No State would be regarded as relieved of its obligations to the	2. "If then the Ruler himself is to be responsible to the Para-

Col. Muirhead's Statement (Para 103 of the Report.)	*The Interpretations put upon this Statement by my Colleagues.*
Paramount Power by the fact that the Ruler has divested himself of the control necessary to discharge them, and the Paramount Power would remain free to take such steps as might be required to ensure their fulfilment."	mount Power to any extent, he must necessarily retain effective powers for the purpose, and he must also have the means of enforcing them."

77. In the first sentence, in my view, Col. Muirhead states simply that any constituted body, created by the prince, cannot be endowed with a greater authority than that possessed by the prince himself. This does not mean that there is any bar to the prince endowing such a constituted body with as much authority as he does possess.

78. It also means that by the advent of constitutional body within the State the powers retained by the Paramount Power only over that State are not to be deemed to have diminished to any extent whatever.

79. Col. Muirhead very carefully and significantly uses the word 'State' instead of the word 'Ruler' in the second sentence of his statement. It is the 'State' that owes certain obligations to the Paramount Power. At present the Ruler is the channel for the discharge of those obligations. If the Ruler shares his power with his people, this channel will change in form and Col. Muirhead emphasises that this change would not imply the loss of any of the rights of Paramount Power over that State. The obligations are those of the 'State' and not of the Ruler personally. And they would be discharged in future by the Ruler with the fullest assent and co-operation of the people instead of the Ruler in person, as at present.

80. The observations of my colleagues (in para 105) about the breakdown of the constitutional machinery deserves attention. In the first place there would be no such breakdown when responsible government is established. Responsible government implies a high degree of intelligent and earnest popular interest in the political affairs of the country and the people when once they taste power and responsibility will be much more jealous of preserving their rights and privileges and good Government than individual Rulers endowed with unlimited power. In the second place under any such breakdown the Paramount Power

would surely interfere in their own interests without anybody requesting them to do so. It is surprising why my colleagues want to be so very solicitous of safeguarding the rights of the Paramount Power when these obligations of the Ruler to the Paramount Power arose on account of the "Sacred obligations" of the Paramount Power itself towards the people of a Native State.

81. My colleagues state that the ruler must retain within himself and without sharing them with the people, effective powers for the discharge of the Paramountcy obligations. Then I should like to know who should bell the Paramount Power in case of the misuse of those "effective powers" by the Ruler himself. In the result, I believe, the obligations to the Paramount Power will best be discharged under a system of Government in which the Ruler has the fullest consent and co-operation of the people.

82. Correctly interpreted Colonel Muirhead's second statement now makes it plain that a responsible popular ministry can come into existence in the States. Such ministers will be bound to discharge the treaty obligations in the same manner as the prince used to discharge them till the popular ministry did come into existence. What Col. Muirhead emphasises is that such a popular ministry cannot repudiate the treaty. If it does so, there will be intervention on the part of the Paramount Power.

83. I am of opinion therefore that the immediate establishment of responsible government in Mysore is not against the treaty in any way.

84. It is quite possible that these discussions on Paramountcy relations whether carried on by me or by my colleagues are liable to be regarded as too legalistic. When in international relationships the understandings and treaties arrived at yesterday are being openly repudiated to-day, is there any use confining discussion to century-old treaties ? England was then in the process of consolidating her power, while to-day she has to maintain her consolidated power against aggressive and powerful Dictatorships. Unity within her ranks and fullest co-operation from the Dominions and British India and the Native States are necessary for the very existence of British Power on earth. And everyone that cherishes the ideal of democracy will give his assistance to Britain in her hour of trial. But on

one condition. This assistance shall only be to the best aspect of British rule: *viz.*, Democratic and not to the Imperialistic aspect. When allied to the imperialistic aspect alone the Rulers of the Native States can oppose democratisation of their administration and incur their subjects' displeasure. But if the treaty relations with a great power like England comprehend the Ruler as well as his subjects, then the highest and noblest aspect of British Rule alone can be the cementing force of the Paramount Power with the peoples of the native States through their Rulers. That democracy is the highest and noblest aspect of British Rule, none can gainsay. It is only when the British becomes synonymous with the Democratic that the Paramount Power can remain Paramount in British India or with the peoples of the Native States. Hence if the States' Rulers in India do sincerely cherish a desire to serve the Paramount Power, democratisation of the States' administrations will be truly the highest service that they can render to the British Empire, especially at this critical hour. It is only by standing up to the noblest ideals of British Rule that the "treaty obligations" with the Paramount Power can be fully discharged in a civilised sense. Any other view that reduces the states' peoples into a servile status is a relic of barbarism and deserves repudiation in the interests of the Paramount Power as much as in that of the States' peoples and the princes.

85. *Sovereignty in Mysore: Seal Theory.*—I am in fullest agreement with the opinions expressed by my colleagues in para 107 of the report that the traditions of Hindu Dharma and theories of Sovereignty based upon such traditions are not only not opposed to the democratic ideals but are thoroughly consistent with them. I am also in agreement with the view that a scheme of Constitutional reform could only be introduced by means of a devolution of power from the Maharaja. I would only add, that it follows logically, that such a devolution of powers may extend to the extent of establishment of responsible government under the aegis of the Maharaja.

86. *Majority Rule and Provincial Autonomy at work in British Indian Provinces.*—My colleagues have come to the following conclusions:—(cf. para 115 Report). (1) That responsible government in British India may not develop on the original British model. (2) That a single dominant party, whether political or communal, would be ruling and

real democratic liberty would be absent. (3) That illiteracy and communalism make the difficulties greater and it would be futile to copy the British model of responsible government in its entirety. (4) In order to prevent the capturing of power by a single dominant party it would be wise counsel to hasten slowly without introducing immediately responsible government in Mysore.

87. In disagreeing with the above conclusions, I have to record my dissociation from the observations made by my colleagues regarding the working of the Provincial Autonomy in British India. Communal differences are no doubt an unhappy feature of the public life in some provinces. But to characterise all the Provincial Governments as either Hindu or Muslim as my colleagues have done is certainly to paint the picture dark with a purpose. Not that such a narrow view is not taken by extreme communalists in British India. But we in the Native States from our position of happy isolation from communal animosities can view things dispassionately. It is only in two Provinces in British India, *i.e.*, Punjab and Bengal, that the Ministries are generally termed Muslim League Ministries even though they contain Hindu Ministers in them. As against this the ministries in Sind and N. W. F. Provinces are definitely not identified with the communal organisations of the Muslims, though the population there is overwhelmingly Muslim. In N. W. F. Province a Congress coalition Ministry is working. In Sind a Congress coalition Ministry is not improbable. In the rest of the Provinces, Congress Ministries are in existence even to this day. They contain Ministers of all communities—Christians, Muslims, Hindus, Brahmins, Non-Brahmins and to dub the Congress ministries in these Provinces as purely Hindu, would be to shut one's eyes to glaring realities. The Hindu Mahasabha has not been able to capture even a single ministry in any of the Provinces. In a Province which has a predominant Muslim population nothing is more natural on earth than that the Congress organisations in that province should contain a predominant Muslim element. Similarly with respect to a Province where the population is predominantly Hindu. Such a state of affairs in no way militates against democratic notions. But my colleagues observe that "there is at least a risk that the form of responsible government will be used merely to place in power representatives of the majority community." Does this mean that democratic standards require that in every

Province representatives of the minority communities alone must be placed in power ? I hope not. Let us remember that Democracy is identified neither with tyranny of the majorities nor with the oligarchy of the minorities.

88. As my colleagues have observed the Indian National Congress does no doubt lay claim to represent the whole nation. It is the one organisation in India which is representative of all communities and alive to the interests of all classes including if I may say so of the princely class too. This is proved by its past history and present activity. Against overwhelming odds it is striving to build up the democratical structure in the country. My colleagues have pointed out the difficulties created by the presence of castes and communities, etc. But there is the prime difficulty presented by the existence of a foreign bureaucracy. As against that formidable power the nation has got to be united and strong: otherwise national democratic rule is an impossibility. Hence one national organisation to wrest power from the bureaucracy into the hands of the people is a democratic neces ity under the present circumstances of India. This has naturally drawn very large sections of the populations of India into the fold of the Indian National Congress. This explains its predominant position in the country. But to conclude thereby that the Indian National Congress is ignoring either the existence or the possibility of any opposition parties, as my colleagues have done, appears to me to be a too uncharitable conclusion. On the other hand the charge has very often been levelled at the Congress that it is too susceptible of the opposition of the minorities in the Provinces and that it has yielded far too much to their demands, at the sacrifice of the legitimate interests of the majorities.

89. How finally the genius of India will adapt the British democratic institutions to her own conditions and evolve a type native to the soil and thus make a new contribution to civilisation it is yet too early to say. The creative genius of India may not imitate the British model in every respect. Whether democracy is suited to the genius of India or not, are all futile speculations of no practical value. Democracy has come to stay in India. One may as well go on speculating whether the railways are suited to the village life of the nation. But the Railways have come and the goods of all the villages are moving in all the directions. It would be wise national policy to direct the national

energies to nationalise the Railways rather than leave them to be exploited by foreign interests. Similarly with respect to the Political and Economic developments. The problem is not to build new institutions. The British have built up institutions in India that affect the life of the people very intimately. To democratise these institutions is a life-breath necessity to the people of India.

90. In dr wing lessons from the British Indian developments for the Native States my colleagues have confined their attention solely to communal developments. But we must remember that it is not nationalism alone that is combating communalism. In the wake of the repeated failures of attempts at bringing about communal concord, other forces have slowly but powerfully risen to the surface of the political life of India. Socialism and Communism are now capturing the imagination of the masses. An appeal based upon hunger and clothing is bound to be more powerful to the toiling millions than any that is based upon religion. In the conditions of India dictatorship can never hope to be an alternative to democracy. But communism is a possible alternative. It would be in the best interests of the Native States to democratise their institutions and thus be a powerful bulwark against communism. The Princes are the custodians of the culture of India. Already discourteous references are being made to their order by communists and socialists. Introduction of responsible government in the Native States is an urgent necessity, so that tolerant democratic ideas and not its intolerant alternatives do take firm root in the States peoples' minds.

91. As regards the dominance of a single party to which my colleagues have referred, the longer the delay in the introduction of responsible government in a State, the greater does the necessity arise for united strength on the part of the people with the inevitable dominance of a single party. If the present opportune moment is availed of by immediate introduction of responsible government in Mysore, there is every possibility of a two-party system coming into existence on the British Parli mentary model itself. It is of happy augury that another non-communal party called Praja Parishad has come into existence with the same objective as that of the State Congress. The difference lies in the methods of achievement of the goal. It is possible that different policies will begin to be associated with the two organisations and between them they would

be representative of all sections of the people of Mysore. At this stage it is necessary to consider the problem of minorities in Mysore fully.

The problem of the Minorities in Mysore.

92. In para 109 of the report my colleagues state as follows:—"The fact that in India groups are mainly ranged on communal lines makes the protection of minorities the one problem that democratically minded constitution builders have to grapple with..... In our Committee the memoranda received and the witnesses who have dealt with this topic, especially the representatives of the Muslims, etc., are unanimous that the safeguarding of their interests could only be done by the Sovereign and that he must therefore retain real and effective powers in this behalf." And in para 93 of the report the views of the Central Mohammedan Association and the Muslim League in Mysore are set forth and their opposition to responsible government is indicated. In order to fully appreciate the Muslim point of view it is necessary to go into some detail into the matter.

93. *The Nine Points of the Muslim Demands in Mysore are as follows* :—(culled out from their memoranda received by the Committee).

(1) In the Police and Military the Muslims demand fifty to sixty per cent representation.

(2) One seat in the Executive Council to be reserved for Muslims, *i.e.*, 25 per cent reservation in the Executive Council.

(3) Thirteen per cent of seats to be reserved to them in the Legislature.

(4) One seat to the Federal Council and two seats to the Federal Assembly to be reserved to Muslims, *i.e.*, nearly 33 per cent reservation.

(5) Thirty-three per cent of the appointments in the Public Services to be reserved for Muslims.

(6) Urdu also to be the official language of the State along with Kannada.

(7) The Muslim minister to be chosen by the Maharaja out of a panel of names submitted by the Muslim members

of the Legislature and removable at the pleasure of the Maharaja as also on a vote of no-confidence moved and passed by a specific majority of the Muslim members alone.

(8) Separate electorates to be introduced.

(9) One-third of the appointments to be reserved for Muslims in the Industrial and Commercial Institutions of the Government.

94. It is clear from the above that while the Muslims are opposed to the immediate establishment of responsible government, they want the above "safeguards" and weightage in the Legislature, Services, the Army and the Police and the Industrial and Commercial establishments of the State. Muslims in the State hardly form six per cent of the population and the grounds of their claims are the following (as culled out from their memoranda received by the Committee):—

(*a*) Muslims played a conspicuous part in the development, expansion and growth of Mysore from a small State to one of the biggest and most progressive units of Indian India.

(*b*) They have remained loyal to the Ruling dynasty of Mysore through the many vicissitudes which the State has passed since the last one hundred and fifty years.

(*c*) They are historically and politically an important community in Mysore.

(*d*) Their meritorious services to the State in the past, including those rendered during the Great War, when Muslims made enormous sacrifices to exalt the name of His Highness.

95. I would examine the grounds one by one in so far as these claims affect the position of other communities in the State.

(*a*) Obviously this refers to the reign of Hyder Ali and Tippu Sultan in the 18th century. But the rightful Sovereigns of Mysore were the forefathers of the present Hindu Maharaja and the present territory of Mysore is almost equal to that held by the Hindu Monarchs before the coming into power of Hyder Ali and Tippu Sultan. Whatever territory was newly acquired by these Muhammedan Rulers was distributed between the English and

the Nizam of Hyderabad after the battle of 1799. Hence the present territories are equal in extent to that which the ancient Hindu dynasty held prior to the coming into power of Hyder Ali. In support of this position I wish to quote here the Kharita of Sri Krishnaraja Wodeyar III to the Government of India before rendition of Mysore. It is interesting to note that at one time one of the reasons advanced to oppose the rightful claims of Krishnaraja Wodeyar III was, that almost all the present territory of Mysore was the conquest of Hyder Ali. This argument was very successfully refuted by Krishnaraja Wodeyar III.

Kharita 20th April 1862 of Krishnaraja Wodeyar III to Government of India.

" Lord Canning truly states that the territory ceded to me in 1799 comprised districts over which my ancestors never ruled, but he omits to add that their kingdom, though differing in its limits, was hardly less extensive than that which the allies assigned to their descendant. Compensation was given in the north for districts not restored in the south. The limits were fixed for military reasons, and the boundary was removed northwards, in order that the British might hold the keys of the ghauts.

Kharita 25th January 1865 Krishnaraja Wodeyar III to Government of India.

" In the selection of a Sovereign for the new Kingdom, the choice was equally decided in my favour. The family of Tippu, besides its necessary animosity to the East India Company, had no hold upon the affections of the people of Mysore. Its usurpation was recent, and its rule had been oppressive. On the other hand, my family had only ceased to reign, in 1759, and even after the date Hyder Ali considered that he derived additional security from continuing the old dynasty as nominal Sovereign. My father, the last of this series of titular kings, died in 1799; hence, in the selection which was made, the East India Company secured a Sovereign who owed everything to the British, and who brought with him the loyalty of his people. Further, the Mahrattas were conciliated by the erection of a Hindu in place of a Muhammedan dynasty.

Let me here state, that the Hindus of the State regard Hyder Ali and Tippu Sultan as Mysoreans and not foreigners. The conquests of Hyder Ali and Tippu Sultan were made possible by the money contributed by the Hindu merchants and ryots of the time. Hindus were soldiers too in their army and did give up their lives under their banner.

96. (*b*) Hindus in the State have been loyal to the Hindu Ruling dynasty throughout all these centuries and there is no reason to deprive the Hindus of their legitimate due. No favouritism is called for or is to be tolerated. Loyalty does neither set nor ask for a price.

97. (*c*) Hindus are politically and Historically more important in Mysore than other communities since from

time immemorial they have been sovereigns of the land despite a short break in the 18th century.

98. (*d*) The services of the Hindus during the last war was greater than that of the other communities. Out of the 75 lakhs of rupees contributed to the war fund 95 per cent may be regarded to have come from the Hindus of the State in proportion to their population strength.

99. The above will show clearly that the aspirations of the minorities to obtain sovereign position over the Hindus in Mysore cannot be made a ground for opposition to responsible government under the aegis of the Maharaja. Just as any similar ambitions if nurtured on the part of the Hindu minority in Kashmir (where Muslims are in a majority) cannot be favoured, similarly the amibitions on the part of the Muslim minority in Mysore ought not to be fanned or supported. All communities in Mysore can play a worthy part in loyal service to the Maharaja and patriotic service to the State and India under a system of responsible government alone. Favouritism to any community will not be in the best interests of the State. There must be equal opportunities for all and no nepotism even by statutory recognition. Hence the opposition of minorities must not be made a ground for denying responsible government to the people as a whole since such a system of Government means power for the minorities as well as the majorities.

100. In this light the Muslim "charge sheet" against the Hindus of the State is unjust and unfortunate. The following are some of the samples:—(1) "So far as the policy of H. H. the Maharaja of Mysore is concerned, it has always been unprejudicial to the Muslims. But there are some elements in the State that possess the mentality of the Mahasabhaites in British India. They have been persistently adverse to Muslim interests. They never let go any opportunity to undermine even the legitimate rights of Muslims, and wherever possible they have mercilessly deprived the latter of their due share. Some of the so-called leaders of the Mysore State Congress are quite hostile to the Muslim community and its interests. They stand in the way of Muslims in public services. They do not like the advancement of Muslims in any field, even that of education. One of them went to the extent of audaciously proposing total abolition of Urdu Schools.

During the recent riots in Channapatna and its vicinity, these elements had an active hand. In short, in spite of the just and benign policy of H. H. the Maharaja, it is painfully observed that Muslims are being made victims of narrow-minded partiality. (Memorandum submitted by Anjuman Association, Cantonment.)

(2) Mussalmans of Mysore have reasons to believe, nay, they are convinced beyond the shadow of a doubt that these who are agitating for responsible government are anything but nationalists. Their sole object is to advance their selfish ends when power is transferred to them..... They therefore suggest that the constitutional reforms that may be granted should not leave the minorities, particularly Musalmans to the tender mercies of a *hostile and fanatical majority* which may ruthlessly trample on their just rights and deprive them of the privileges and immunities which they are at present enjoying. ..... Musalmans as the most important minority in Mysore, are awakened enough to pay heed to the most disastrous effects that are likely to be produced in case our Great Maharaja delegates even some of his ruling powers and proceeds to entrust the destinies of 65 lakhs of his beloved and loving people to the care of a party, imbued with communal bias and jealousies, whose leaders may come to power all on a sudden by the ill considered votes, mostly of illiterate and easily misguided persons. (Memorandum submitted by Central Mohammedan Association, Bangalore.)

(3) The administration of District Boards by non-official presidents belonging to the majority communities has shown that public interest has suffered considerably on account of their negligence, maladministration and subversive tendencies, and that the minority communities are subjected to tyranny at the hands of the majority. (Mysore State Muslim League Memorandum.)

101. If the Muslims are to get 60 per cent strength in the Police and the Military and a considerable and effective strength in the Public Services and Industrial Concerns and weightage in the Legislature and Executive Council it will be clear that they will be occupying a supreme position of vantage and the majorities will have to live in perpetual fear of the strength of the Muslim minority in the State. The opposition of the Muslim minorities to

the immediate establishment of responsible government to which my colleagues have drawn attention, is therefore understandable.

102. But really who is it that maintains the Government at present in Mysore? Taking even a communal view of the matter 94 per cent of the population are Hindus. Naturally the income of the State comes from the Hindus in this overwhelmingly large proportion. Will it be "Dharma" to oppose the just and legitimate aspirations of the people as a whole on the ground of the unsustainable and exaggerated demands of the minorities?

103. In the result, the establishment of responsible government in Mysore ought not to be delayed on the ground of the opposition of minorities. The latter wish to entrench themselves in a sovereign position to exploit the majorities. And yet the memoranda submitted on behalf of some of the Muslim Associations of the State dub the Hindus as "fanatical" and "tyranical"!

104. I have built up the argument on the strength of the memoranda presented by some of the Muslim Associations and the historical facts referred to by them. But in reality there is no such animosity between the Hindus and Muslims of the State. There is an age-long tradition of Hindu Muslim concord. Though it will be the duty of the Hindus to oppose any claims that are detrimental to the best interests of the State, their toleration shown to all minorities is proverbial and carried almost to a fault. The Rulers of Mysore and the able Dewans have all from the beginning built up excellent traditions of a most tolerant administration, that has been the admiration of one and all. The present saintly Ruler and his adviser Sir Mirza M. Ismail have strengthened the old traditions and built up new traditions of toleration and good will.

The Declaration of Responsible Government.

105. I have voted in favour of the final formula for responsible government with some modifications. The formula, according to me, would read as follows:—

"The objective to be kept in view in all constitutional reforms in Mysore should be the establishment of a system of responsible government under the authority and protection of the Sovereign, *i.e.*

a system in which the administration is carried on by a cabinet of ministers appointed by His Highness the Maharaja and enjoying the confidence of His Highness and the support of the legislature ; the powers of His Highness to ensure peace, order and good Government, to safeguard the interests of all classes of His Highness's subjects, including the minorities remaining unaffected and supreme in all circumstances."

106. The portions omitted by me are the following :—

(*a*) "As well as to satisfy the terms of the Treaty with the British Government."

I am against this clause being introduced. Some people think that Treaty Relations come in the way of introduction of responsible government. Though I am of a different opinion I feel that the formula must not contain anything ambiguous and it should not give any handle to the opponents of responsible government. Moreover the Treaty obligations would be satisfactorily discharged by the Maharaja with the fullest co-operation and consent of his subjects.

(*b*) "and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

I am for the immediate establishment of responsible government. My reasons for this view are stated in the other parts of this note. Hence I am for the omission of the above clause from the formula.

There is also another important reason. The insertion of such a clause would result in pitching the Sovereign against his subjects. Even if responsible government should be by a gradual process in Mysore further stages of progress should be determined by His Highness the Maharaja with the fullest consultation with and the co-operation of his subjects. This arrangement would be in perfect accord with the identity of interests between the Ruler and the Ruled and would avoid all conflicts for all time to come in Mysore.

With these omissions I am sure that the formula would be welcome to all the parties in Mysore—those that want immediate establishment of responsible government as also those that advocate a gradual development.

I shall now indicate my views on the specific recommendation of the Committee, section by section.

SECTION I.

107. *Representative Assembly*:—According to the proposals of my colleagues, both the Assembly and Council are to continue, though not under a bicameral system. In my opinion a single house of legislature is sufficient in the circumstances of Mysore as has been admirably pointed out by Mr. M. A. Doreswamy Iyengar in his memorandum. But if it is decided to retain both the Houses the Assembly should be given its proper place. The time has now come for giving the popular assembly " the position of commanding influence and power " that naturally is its due.

108. *Procedure in respect of Bills.*—I am also of opinion, as expressed by the majority of my colleagues, that the powers of the members should not be confined to discussion of general principles underlying a Bill, but should extend to moving amendments to any of the clauses of the Bill. It is necessary to permit amendments of clauses also, as otherwise, occasions may arise when those who are opposed to any particular clauses may be forced to vote against the entire Bill itself.

109. *Effect of Assembly's opinion.*—I am emphatically of the opinion that if a majority of the members of the Assmebly, present and voting, are opposed to any Bill or to any of its clauses, the verdict of the Assembly should be given effect to. The Assembly is looked upon as the potential House of Commons for Mysore. Its importance has risen very high with the growth of Political consciousness. It will be in harmony with the trend of developments in Mysore if its verdict by a majority of the members present and voting is accepted. My colleagues are of opinion that it is the verdict of the two-thirds of the total strength of the House that should be binding. As it will rarely be possible to have such a majority, Government will tend to grow indifferent to the opinions of the Assembly and members will not have a live interest in its deliberations. All this will inevitably lead to greater cleavage between Government and the people's representatives; and any powerfully organised party will try to catch almost all the seats in the Assembly, killing all independent and fearless opinion in the country, since as against the Government the people will have to be united and strong and well organised under a single party, to secure in the Assembly a strength of more than two-thirds of its total members.

A Bill thrown out by the Assembly should not be placed before the Legislative Council at all; Government should be free to re-introduce it before the Assembly.

110. After a Bill is passed by the Legislative Council, it should finally be placed before the Representative Assembly once again, and must be sent to His Highness the Maharaja for assent after being passed in the Assembly. In cases of differences of opinion between the two Houses over specific provisions both the opinions must be placed before His Highness.

111. My view is that the final stage of all Bills should be reached in the Representative Assembly. My colleagues rejected this proposal, stating that the Legislative Council, may advance a similar claim and that there will then be no end to the process of Legislation. I do not agree that the Council can make that claim. The Council cannot claim to be equal in importance to the Assembly. Let us make a comparative study of the composition and representative character of the two Houses. According to the recommendations of my colleagues themselves, the number of elected members in the Assembly will be nearly seven times as many as those in the Council, the constituencies of the Assembly will be nearly eight times in number and its electors will be nearly three times as that of the Council. Hence any claim by the Council for finality in Legislation will be unsustainable. The popular House in which Bill makes its first entry should be also the final place for its exit for the assent of His Highness the Maharaja. The interval between the two events will be sufficient for calm deliberation of Legislative measures. I would therefore prefer the final stage of Legislation to be reached in the Assembly. In such a process every piece of Legislation will have the added advantage of being backed with the solid opinion of the people—referendum of the Assembly.

112. Even Sir Brajendranath Seal who started the theory of Referendum *cum* Initiative function of the Assembly, had suggested a final reference to the Assembly in Legislative matters, and the placing of its opinion before His Highness (Para 84, page 35, Seal Report). He wanted to limit such course of action to cases of conflict of views between the Assembly and the Council. My suggestion is that it should become the normal feature, really con-

sistent with the Referendum functions of the Assembly. Since Government can have recourse to emergency regulations any delay that may happen in the process of Legislation as suggested by me cannot have serious effect.

113. *Excluded Subjects.*—I am unable to agree that there should continue to be any subjects excluded from the scope of the Legislature. I strongly differ from the view that such exclusion is a necessary consequence of the relationship of the Ruler with the Paramount Power. If the treaty relations are really interpreted in the statesmanly spirit that animated the great British Statesmen that drew up the conditions of the Treaty, it will be seen that in a "Constitutional State" like Mysore there cannot be any subjects outside the scope of the Legislature. This being a matter of importance, I am constrained to dwell on this topic at some length. The excluded subjects are under two heads: (*i*) External relations, (*ii*) Internal matters.

114. (*i*) *External Relations.*—The Seal Committee made a short review of the nature of the relations with the Paramount power and other States, *i.e.*, External relations (Cf. paras 221, 222, 223) and their remarks in para 224 are of very great constitutional value. "Thus it will be seen that the matters so excluded are not what are usually comprehended under foreign relations; they are external in form, but vitally affect the internal administration of the State and its economic strength and financial stability; and what is equally important, the familiar old conditions with the assurance they brought with them are changing and changing in such a way as materially to alter the situation as well as all its elements and features; the exclusions, therefore, may have to be revised with coming developments of that situation. In truth it is a common atmosphere that surrounds all these Indian Peoples to-day, and it would be hardly possible to exclude them from the atmosphere they breathe."

115. This was the view held by the Committee sixteen years ago. But to-day some of the developments envisaged by the Seal Committee are about to take place even ahead of their predictions. Federation, and not a Zollvereine (para 222 Seal Report) is looming ahead. When the hour has arrived to revise the question of exclusion, my colleagues have pressed the "Treaty Relations" themselves as an argument for continuing this exclusion from the purview

of the legislature even within the filed of discussion and debate.

116. I have pointed out elsewhere that these treaty relations rest upon certain fundamental principles and not on arbitrary rules prescribed by the Paramount Power and that the articles of the Treaty were designed to be "as forming something of the nature of a constitution for Mysore". The intention of the framers of the Treaty was that the Executive Council to be set up to assist the Maharaja should be supplemented by a deliberative Assembly. Thus the legislature being an accessory development of the Executive Council itself, I am of opinion that it naturally follows that all those matters in respect of which the Executive Council tenders aid and advice to the Maharaja should also be matters which the legislature can discuss and tender its opinions thereon.

117. In the complex relations that have now come about due to Political developments in the British Indian Provinces and the still more complex relations that may emerge after the coming in of the Federation, it will be of very great help to the Government if public opinion in Mysore is properly ventilated in its constituted bodies. Hence, resolutions, interpellations and representations should be allowed, while legislation can be undertaken in the sphere of excluded subjects at the initiative of Government only.

Internal Matters.

118. *The Ruling Family.*—Even with respect to matters connected with the Ruling family, I am of opinion that there should be no exclusion so far as they may be deemed to be matters of public importance. The continued maintenance of the rights, privileges and dignity of the Ruling family are national duties falling upon a loyal people and they cannot be conditions prescribed by any treaty with the Paramount Power. The historic Ruling Family in Mysore is a great National Asset to the people who have been deeply devoted to its welfare and honourable position and stood by it in all its vicissitudes in the past. Even after enjoying the benefits of direct British Rule for five decades, the people of Mysore were anxious to get back the Rule of this Ancient Hindu Dynasty. National festivals are observed for the expression of the spontaneous delight

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of the people with their Sovereign as the centre of attraction and loyal devotion. This is the meaning of the Dasara Festivities and Durbars. The People delight in the glory of their Sovereign and it is reminiscent to them of the ancient glories of this Great Country. All this generates pride in the past—a necessary condition for future progress.

119. In Mysore there is an identity of interests between the Rulers and the Ruled. Removal of exclusions and bringing within the purview of the Legislature of matters pertaining to the Ruling family in so far as they are of public importance, would make this identity of interests all the more real and strong and bind the Ruler and Ruled in unbreakable bonds of loyalty and devotion. Hence even financial arrangements connected with internal matters with regard to the subjects excluded at present should hereafter come with the purview of the Legislature since they too have an intimate bearing on the economic strength and financial stability of the State.

120. *Discussions regarding changes in the constitution of the Two Houses.*—My Colleagues are of opinion that each House should have the Power to discuss not only changes of its own constitution but of the other House also, but have suggested that the Dewan's sanction might be made a requisite for moving such resolutions as a safeguard "against this power being abused and the country being often thrown into a Political ferment". I do not agree that such sanction should be made a requisite. At present each House has the power to discuss its own constitution. The mere extension of this power to the discussion of the constitution of the other House also is not a step fraught with serious consequences as to make a restriction on this power necessary. On the other hand, I am of opinion that through any unnecessary restriction that may be imposed by the Dewan, there is greater possibility of dissatisfaction and consequent agitation and trouble. It is always safer to provide fullest opportunities for the representatives of the people to ventilate their views on the floor of the legislative houses. Resolutions being only recommendatory in form and effect, Government stands to benefit and not to lose by knowing the views of members on the constitution of the Houses also whenever members should feel it necessary to place them before Government.

121. *Financial Powers.*—Unless the Popular House is granted substantial powers in this respect, I do not think that there can be much of constitutional advance. I am of opinion that the Budget must be submitted to the vote of the Assembly. The burden of administration can be borne willingly by the people only when their representatives have a voice in determining it. My colleagues have proposed that only Budget Resolutions on the major heads may be permitted hereafter. This is not much of an advance on the present position at all. In defence of their view my colleagues have argued that permitting both the Houses of Legislature to vote on the Budget would lead to serious difficulties, as pointed out by the Seal Committee. I do not think that the difficulties are insuperable. It may even be provided that the Houses should hold a joint Session to consider the Budget. If this is found to be impracticable, I would prefer that the power of the Legislative Council over financial matters may be taken away. I am against the continuance of the Legislative Council itself; at any rate, even if there should be two Houses hereafter also, the Legislative Council should not continue only at the expense of effective powers for the Assembly.

122. *Excluded Heads of Expenditure.*—I am of opinion that there should be no head of Expenditure excluded from the purview of the Legislature.

123. (1) Palace including the Staff and Household of His Highness the Maharaja.

Mysore is one of the few States with a Civil list kept quite apart from other Public Expenditure. In the letter written by the Secretary to the Government of India, Foreign Department, to the Chief Commissioner of Mysore on 9th November 1878 it has been stated: "It will follow moreover, that a clear distinction must be drawn between the private fortune of the Maharaja and the Public Revenues of the State, so that no appropriation of public money can be made otherwise than under the regularly constituted authorities entrusted with its expenditure. Complete accounts of the public expense should be rendered and subjected to competent audit. It would probably save the administration from some embarrassment in the future, if on the Maharaja's accession a definite sum were assigned

to meet the personal expenses of His Highness and his household, with reservation of power to increase the assignment in the event of a proportionate increase of the surplus revenues. This power, however, would be exercised under the sanction of an express enactment, which would fall within the class of Legislation requiring the assent of the Government of India."

The assent of the Government of India being no longer required for such legislation, I am of opinion that it would be a healthy convention to establish that expenditure under this head would be determined after ascertaining the wishes of the representatives of the people. This may be done at the beginning of each reign. There must be scope however for considering variations either when circumstances demand it or there is any serious economic distress in the country.

124. (2) *Military Forces of His Highness the Maharaja.*—While my colleagues want that the power of the Assembly in this respect should be confined to discussion, I am of opinion that it should extend to the right of voting also.

125. (3) *Pensions of Public Servants.*—The change that I would urge in the present position is that if the members of the Legislature have any thing to say with regard to the fixing of the pensions of new recruits to Service or with regard to any important matter concerning the rules of procedure, they should have the opportunity to do so.

126. (4) *Expenditure relating to or affecting—*

(*a*) the relations of His Highness the Maharaja with the Paramount Power or with other States;

(*b*) matters governed by treaties or conventions or agreements, now in force or hereafter to be made by His Highness with the Paramount Power.

I am of opinion that in any future treaties to be made or agreements concluded the full concurrence of the Legislature should be obtained. In my view no new taxes are to be imposed or existing taxes enhanced without the consent of the Assembly. Similarly no new item of expenditure should be incurred without the consent of the popular

House. Since it is the people who will have to bear the financial burdens of these treaties or agreements, the concurrence of the peoples' representatives must be made necessary. As regards the financial burdens arising out of existing treaties of agreements, members of the Legislature should not be denied the opportunity to bring to the notice of Government the grievances of the people in these respects. Hence the Resolutions upon these must be allowed to come up for discussion and voting.

127. (5) Interest on loans and charges on sinking funds guaranteed at the time of raising loans.

I am of the view that there should be liberty to discuss the loan policy of the Government. Once the interest payable on loans is fixed, any amounts set apart for discharging the obligation become non-votable, but there should be room for discussing the loan policy in its general aspects.

128. (6) Expenditure of which the amount is specified by or under the law.

In case of acts promulgated without reference to the Legislature if there are financial burdens imposed by virtue of such Acts the assent of the Legislature should be obtained at the earliest opportunity.

129. To conclude I am against shutting any subjects or heads of expenditure from the purview of the Legislature, at least in the limited sphere of discussion and debate. I am anxious that there should be as little room as possible for dissatisfaction on the part of the members of the Legislature and consequent friction between them and the Government. Moreover such denial of opportunity is bound to lead to search of other channels of expression. It is therefore safer to afford the opportunity in the sessions of the Legislature itself.

Weightage claimed by Muslims.

130. Muslims in Mysore form about 6 per cent of the total population. I was agreeable that 20 seats in the Assembly might be reserved for Muslims on a joint Electorate basis only. There was a good deal of discussion in the Committee on the question of fixing the number

of seats in the Assembly for Muslims and there was an appeal for unanimity of decision on this question by fixing it at 26. For the sake of unanimity on this vexed question, I agreed to the number 26 on 9th February 1939 at the meeting of the Committee, since the Muslim members of the Committee also were agreeable to this number and the Hindus and Christians too. This number together with, 1 seat reserved for Muslim women would secure to the Muslims 9 per cent of the seats in the Assembly for their population strength of 6 per cent in the State. But I am pained to find that the Muslim members have gone back upon the unanimous conclusion of the Committee and are demanding weightage to the extent of 13 per cent of the seats in the Legislature. Under these circumstances I am forced to stick to the view I held originally, namely that the seats reserved for the Muslim Community should not be more than 20 in the Assembly. Anyhow they will have the right to vote for the non-Muslim candidates in the general constituencies and thus influence those elections, and also the right to stand as candidates themselves in the general constituencies. Hence the double privileges of reservation as well as weightage are unnecessary.

131. That the minorities are entitled to protection from the possible tyranny of the majorities is conceded by all. The question is what can be considered reasonably adequate protection. It will be interesting to note that the necessary guarantees for Minorities recognised by the League of Nations were the following :—

(*a*) protection of life and liberty,

(*b*) free exercise of religion,

(*c*) civil and political equality,

(*d*) free use of their mother-tongue, and

(*e*) the right to establish their own religious, social and educational institutions.

That Muslims in Mysore are enjoying all these rights cannot be denied by Muslims themselves.

132. Reservation of seats in the Legislature in proportion to there population is the utmost that any minority may with justice claim, and the grant of privileges further than this can only be deemed to be guided by considerations othdr than the mere protection of the rights of minorities. It is represented that Muslims in Mysore are entitled

to weightage apart from reservation on the basis of similar privilege acceded to them in the Provinces in British India. I am of opinion that it will be neither just nor in the best interests of the State to import into the State considerations which guided such grant in the Provinces of India. It will not be just because while deciding the percentage of seats in the Provinces it was looked upon as an all-India question and the problems of all important minorities in all the Provinces were considered together. Thus if the Muslim minorities who form 6 per cent of the population of Madras have been allocated about $13\frac{1}{3}$ per cent of the seats in the Madras Legislature, as a compensation the non-muslim minorities in the Frontier and Sind Provinces have been allocated 18 per cent and 30 per cent of the seats, where they from 9 per cent and 27 per cent respectively of the total population. While considering the question of the representation of Musims in Mysore, there is no similar question of compensatory reservation to the other minorities in any other State in India. The position would probably be different if the time should come when the problem of minorities is taken up as a question common to all the States in India, Mysore as well as Kashmir, Bhopal as well as Hyderabad. Till then it will not be just to draw partial comparison to the Provinces. And in the peculiar conditions of the States it will be in their interests to confine the internal communal problem of each State to itself and not import external considerations either from Provinces or other States.

133. I have already pointed out that to overemphasise the communal problem in Mysore is not in the best interests of the State itself. All things considered, I am of opinion that it will serve both to provide adequate protection for the Muslim community in Mysore and also to make way for communal harmony if seats on the Legislature in proportion to their population is reserved for Muslims and they are granted the further privileges of standing as candidates and of voting in the general constituencies as well.

134. It will neither be right nor just to deprive the Hindus of the State what rightly belongs to them due to their proportionate strength of their population, their political, historical and natural importance as the sovereigns of the soil from times immemorial despite a short break in the 18th century. Again the toleration of the Hindus towards all minorities in Mysore is proverbial and needs

no reiteration in spite of the "charge sheet" preferred to the contrary by some Muslim Associations in Mysore with a view to justifying an unsustainable exaggerated claim. I have dealt with these several aspects while considering the problem of the minorities in Mysore.

Communal Representation in Mysore.

135. Any conclusions based upon the British Indian situation are wholly irrelevant and opinions expressed risky in the absence of full materials before us. It is quite open to the native States of India to be wholly free from communalism and in fact they are most favourably placed to be even Oases in the desert of communal rancour and strife often seen in unhappy India. In the scheme of things they have their own contribution to make towards the national development of India and in my opinion the maintenance of communal harmonious relations will be the greatest national contribution that they will be making.

136. Such religious harmony is to be hardly possible in a system of separate electorates. Joint electorates are not a device for particular communal supremacy but a practical arrangement making for communal harmony, as demanded by the interests of the State. My colleagues have referred to the British Indian development of the unhappy communal problem but as contrasted with that situation, Mysore has had the good fortune of maintaining a system of joint electorates all these years whereby the communities were freely coming together and yet satisfaction prevailed through the method of nomination and facultative representation. One merit of the scheme recommended by the Seal Committee in 1923 was that it did not divide the body politic into different compartments, while those leaders comparatively, few in number who were working for the social welfare of the particular communities came through associations purely meant for such good work. While this ensured communal harmony in the political life of the State, the interest of the communities in no way suffered since adequate representation was guaranteed. Some members of the minority communities were even coming out successful in the general elections. Proportionate to their numbers they have been quite successful in the elections to the Local Bodies and even to their Presidentships and Vice-Presidentships, defeating their rival candidates belonging to the majority communities.

All this points to the prevalance of General Communal harmony in the State in unmistakable terms.

137. The question of separate electorates was no doubt raised sixteen years ago in Mysore in the Seal Committee. I shall first of all draw the attention of the Government to the observations made by the representatives of the minorities themselves who were then members of the Seal Committee.

(*a*) Messrs. K. Chandy and K. Ma than, Members of the Christian Community and then distinguished members of the Mysore Civil Service who later on retired as Executive Councillors of His Highness the Maharaja who have appended a separate note to the Seal Committee Report have observed as follows :—

"The representation of minority communities through associations in preference to communal electorates can be justified, because minorities are too many and difficult to standardize, and because communal electorates are likely to make the divisions between communities too rigid and perpetuate them. This is the sole junstification."

138. Mr. Mahomed Abbas Khan, one of the colleagues on the present Reforms Committee was also a member of the Seal Committee of 1923. In a separate note to the Seal Report he observes as follows : "I see no objection to such elections being made by separate electorates or by reserving seats for them in plural constituencies. I have, however, agreed to their representation through recognised associations, as one of the practicable methods (not the best) to avoid variations in the franchise."

"Reservation of seats in plural constituenices" is another name for joint electorates with reservation of seats. The above quotation I think, proves that Mr. Abbas Khan was not then against joint electorates with reservation of seats. I have given above the views held by representatives of the Muslim and Christian Communities as expressed in the Seal Committee.

139. I shall now quote certain relevant paragraphs from the body of the Seal Committee Report. On this question the Seal Committee state as follows :—

Para 128. "Any methods of representation which, aiming at the protection of the minority perpetually breeds (or accentuates) strife, or widen and stereotype the cleavage, are bad for the State as a whole,

and bad for the minority itself, which however represented and even over represented, will, so far as it is a standing minority inevitably go to the wall under the rule of the majority, in a fight *a outrance.*"

Para 129. "The majority of the Committee (Seal Committee) are against communal electorates. Some of us think that once this cleavage is introduced it would very soon enter into alliance with those passions "the greed of material gain and the fear of material loss" which deep in the breast in every community, strive against the more generous impulses of common fellowship and disinterested sharing and the result woud be a perpetual social war (under the name of an armed peace or armed neutrality) on the usual plea of an effective preparedness."

"The Chairman would compare it to the outbreak of a 'fungoid', a cancerous growth that would send its offshoots into all the social tissues, presently breaking out in local bodies, in chartered corporations like the Universities, in nurseries of the coming generation like schools and colleges, in the Civil Services and bureaus and finally, in the organisation of industires."

156. (IV) "Sense of the common-weal—finally in a heterogenous (or compound) social polity, all this constitutional machinery would be of no avail, without a zealous cultivation of the general interest as against an exclusive communal spirit on the part of the majority and the minorities alike, and a habitual adherence and loyal allegiance to the larger patriotism, in preference to the narrower. And any method of representation (or other constitutional measure) which militates against the creation of this freeze mentality would be more of standing menace to the minorities themselves than to the majority."

140. The Seal Committee recommended facultative representation of minority communities. If experience has shown this to be defective, the proper procedure would be to consider the eradication of those defects. However this having not found any favour with anybody in the Committee I believe that the alternative to facultative representation we have to consider is joint electorates with reservation of seats.

141. My colleagues concede this in principle, but they have stated (para 166) that they would however suggest that if joint electorates on the whole are unacceptable to the Muslims, some form of it as a compromise be adopted at least in selected areas of the cities of Bangalore, Kolar Gold Field Sanitary Board area, and Mysore, with the safeguard that the candidate who is chosen therein must get at least certain per centage of Muslim votes. Such a scheme would in their opinion serve as a check on separatist tendencies in those areas and if experience should justify

it, it would also be a beginning towards a possible combination in rural electorates as well in course of time. They do not however wish to suggest that such a system, if unacceptable to the community, should be thrust upon it with the force of authority from above; but they would, on the other hand, leave the final decision in the matter to the choice of the community itself."

142. I wish to point out that Muslim opinion is not so unanimous on this question as my colleagues observe. Five Muslim gentlemen were examined by the Committee. Four of them were from either of the two cities, Mysore and Bangalore. Mr. K. A. Rahim, President of the Anjuman Mufidul Islam Association was the only witness coming from rural parts, Belur Taluk. He has been a member of the Representative Assembly and District Board and Vice-President of the Belur Municipality. He stated in the Committee that joint electorates would not in any way harm the interests of the Muslims, that there was a necessity to move along with the Hindus of the State, since their economic interests were common and that Muslims returned under a system of joint electorates would be quite independent in their out-look and be not servile to the Hindus.

143. In rural parts there is real community of interests between the Muslims and the Hindus. If there should be any mutual suspicions in one or two places in the cities, is that to be made the ground of separation of the electorate into water-tight compartments throughout the State ignoring the interests of the rural population? Is the long continued practice of joint electroates in Mysore to be given up because there is communal animosity in British Indian Provinces? While Mysore under the benign and tolerant rule of the Maharaja is free and protected from the disease of religious communal rancour, are we to invite it afresh now from outside the borders of the State against the happy traditions enjoyed till now? And the unhappy results of separate electorates in accentuating communal differences in Kashmir have been pointed out. The lesson of the British Indian Provinces is there that with all the safeguards of separate electorates, etc., the gulf between the two communities has simply windened and is widening.

144. Hence there is no question of thrusting any arrangement with the force of authority from above. The question is simply one of maintaining communal harmony

not only in the interests of the two communities but the interest of the State as a whole. While the culture, language, religion, etc., of the communities are duly protected in Mysore and harmony exists between the different religious communities it will be in the best interests of the State to preserve the joint electorates system. It would be the reflection of the communal harmony in the public life of the State. That is all. It would be highly underisable to give room to any system that will tend to bring about any separate communal consciousness which is bound to seek an identity with such forces outside Mysore and work in the long run to the undermining of the present good feelings. It is our duty to avoid such things where a saintly Hindu Maharaja and a loyal patriotic and faithful Muslim Dewan have strengthened the old and established new traditions of Hindu-Muslim concord in Mysore to be an example to others, as I have already stated elsewhere in this note. If religious harmony and good feeling under such auspicious circumstances is not a possibility and it cannot reflect itself in the public life of the country by having some form of joint electorates, then we may as well despair of Hindu-Muslim Unity not merely in Mysore but elsewhere in India as well.

Special interests and their constituencies.

I had placed these proposals before the Committee but due to want of time they were not taken up. The Chairman had advised the submission of the same to Government. Hence this note.

145. *University.*—The constituency of the University may comprise of all Mysorean Graduates of more than five years standing of the University of Mysore, resident in Mysore.

146. *Trade and Commerce.*—The three seats allotted to trade and commerce may be distributed as follows :—

(*i*) Mysore Chamber of Commerce .. .. 1 seat.

(*ii*) For the Districts of Bangalore, Kolar, Mandya, Tumkur and Mysore .. .. .. 1 seat.

(*iii*) For the Districts of Hassan, Kadur, Shimoga and Chitaldrug .. .. .. 1 seat.

In items (*ii*) and (*iii*) the electors may consist of all merchants paying an income-tax of Rs. 50 and above.

147. *Industries.*—The whole State may be formed into one constituency for the seats to represent industries and the Directors of all Mysorean Companies engaged in industry with a paid-up capital of one lakh of rupees and above may form the constituency. This may include proprietors of industrial concerns with a similar paid-up capital.

148. *Women.*—Indirect election for the women's seats are inevitable. There shall not be separate Associations recognised for the purpose of electing the Harijan and Muslim women representatives. For this purpose the women's associations for Mysore and Bangalore might be regarded as plural member constituencies with reserved seats for the minorities. This will ensure the system of joint electorates even through indirect elections. Happily the women's movement in Mysore has not developed on the communal lines and the representatives of the Mysore Women's Conference stated in the Committee that there was perfect harmony among the women of all communities in the State and that their Conference was a representative organisation working for the welfare of the women of the State without distinctions of caste or community. Here is an example to be copied by men. It is noteworthy that the leadership of the women's movement in Mysore has been taken up by distinguished representatives of the minority communities themselves.

149. I am unable to agree with my colleagues for the establishment of separate electorates for women in territorial constituencies, *i.e.*, separate from men. Apart from the practical difficulties of their candidates having to work in whole districts, equity and justice demand that the separation of our sisters in Mysore into electorates of their own must have its logical culmination in reserving seats for them in the Assembly and Council at least on their proportional population basis, of course if weightage be not claimed on any ground whatsoever. Whatever the future development in this direction may be it would be better to confine their representation through associations actually working for their welfare. If urban interests are found to preponderate in such a system a rule might be made requiring a certain percentage of membership from the rural parts for each of the Associations in every district.

150. *Seats for labour interests.*—I would favour the allotment of the labour seats as follows :—

The Bhadravati area (including Iron Works)	.. One seat.
The Kolar Gold Fields area	.. One seat.
Mysore Railway workmen	.. One seat.
All Textile labourers in the State ..	.. One seat.
Labourers in other industrial concerns ..	.. One seat.

Those that are actually working as labourers and have put in an unbroken service of more than three years in particular industrial concerns may be entitled to vote. Those that have been once at least attained the voting qualification may alone have the right to contest the seats reserved for labour in each of the above areas or divisions.

151. *Co-operation and Banking.*—The electorate to this seat may consist of all the directors of Mysorean Co-operative Societies and Banks with a paid-up capital of a lakh of rupees and more.

152. *Coffee Planting Interests.*—In my opinion there is no need to reserve two seats for the coffee planting interests, one for European and one for Indian. One member representing the planters can adequately represent the interests of both. In matters of such common economic interests racial or communal differences do not count and ought not to be encouraged. As things stand at present the European and Indian planters in the State are co-operating whole-heartedly for the improvement of the plantation interests. The mere existence of two Associations namely,—The Mysore Planters' Association and Indian Planters' Association is not sufficient to grant two seats.

It should be possible for the two Associations, the Mysore Planters' Association and the Indian Planters' Association, to co-operate with each other in sending one common representative to the Assembly. There need not be any amalgamation of the two Associations for this purpose; Section 88 of the present Mysore Representative Assembly Rules provides adequately for the functioning of two or more associations representing one special interest. Moreover since European interests as such are specially safeguarded hereafterwards by giving them one seat in the Assembly to represent their association in Mysore, we

have to confine our attention solely to planting interests and planting interests alone here.

The other seat may be allotted to other plantation or gardening interests such as arecanuts. There has been a longstanding demand by arecanut growers for special representation in the Assembly. The total acreage under arecanut cultivation in the State is nearly as large as 45,000 and the Rail-borne trade alone in exports amounts to nearly 40 lakhs of rupees.

It is wrong in principle to give over-weighted representation to any particular interest.

153. *Legal Interests.*—I am in favour of the retention of the present privilege accorded to the legal interests. This will ensure the return of men of real legal eminence to the Assembly.

154. *The President and Vice-Presidents of the Representative Assembly, Para* 179, *Page* 93.—My colleagues have recommended that the Dewan should continue to be the President and the Executive Councillors as Vice-Presidents in view of the fact that representations are to be made to the Government and direct redress obtained. They feel that the Dewan-President would be in a more advantageous position to deal with representations than a non-official elected President.

In dissenting from the views expressed by my colleagues I wish to state that the right of the Assembly to elect its own President should no longer be withheld. Even the Seal Committee held the opinion that "A non-official President of the Representative Assembly may come in course of time" (Para Seal Report). But according to my colleagues there is not even that distant prospect. The Seal Committee held the view that so far as representations were concerned the presence of the Dewan would always be desirable. Hence a general rule may be necessary requiring the attendance of the Dewan in the Assembly with a non-official elected President. In the present stage of development of political consciousness in the State a non-official elected President will surely add to the prestige, power and influence of the peoples' Assembly. Its efficiency will in no way suffer since the presence of the Dewan would be generally obligatory.

Legislative Council.

155. *Composition of the Legislative Council.*—My colleagues have stated as follows:—

"We think that the time has come when the Legislative Council should be made an effective democratic instrument by giving a decisive elected majority." While I agree with such a view I regret to state that the composition proposed for the Legislative Council by my colleagues is far from ensuring any such decisive elected majority. A comparative table showing the present position with the proposed composition is given below. I have assumed that the District of Mandya will be having two seats on the Legislative Council reserved for it even if the present constitution were to continue, *i.e.*, without further reforms.

Constituencies.	*Present allotment.*	*Allotment proposed by my colleagues.*
General ..	20 seats	24 seats
Minorities ..	4 „	10 „
Special Interests ..	4 „	10 „
Nominated non-officials ..	2 „	8 „
Nominated officials ..	20 „	16 „
	50	68

Calculated in terms of percentage to the total, the following figures indicate the strength of the respective interests in the present Council:—

	Per cent.
(1) General Constituencies	40
(2) Minorities	8
(3) Special interests	8
(4) Nominated non-officials	4
(5) Do officials	40
	100

The following will be the relative strength in the Council as proposed by my colleagues.

	Per cent.
(1) General	35.3
(2) Minorities	14.7
(3) Special Interests	14.7
(4) Nominated non-officials	11.8
(5) Nominated officials	23.5
	100

Arranged in tabular form the following results will emerge :—

Constituencies.	*Present strength.*	*Proposed.*	*Difference nearly.*
	Per cent.	*Per cent.*	*Per cent.*
General	40.0	35.3	minus 5
Minorities	8.0	14.7	plus 7.0
Special Interests	8.0	14.7	plus 7.0
Nominated Block (officials and non-officials).	44.0	35.3	minus 9.0
	100.0	100.0	

156. According to the proposals of my colleagues, therefore, the nominated block would be reduced in strength by 9·0 per cent only ; the minorities and special interests would together gain nearly 14·0 per cent and general seats would be decreased by 5 per cent. Such proposals for the composition of the Legislative Council can hardly be described as making for any sort of democratic advance. That they would be doing a grave injustice to an overwhelmingly large section of the population will be evident from the population figures.

157. Excluding the minorities (depressed classes included) the majorities in the State form nearly 75 per cent of the total population. The Special Interests are not in any way representative of the population, either of the majority or of the minority communities. The nominated block cannot be taken to really represent any section of the people. If the majorities are to be properly represented, it can only be through the territorial seats, since minorities have got reserved seats. Proper democratic standards would require a reservation of 75 per cent of the seats in the Legislative Council for general constituencies. But I did not pitch my demand before the Committee as high as that, but contented myself with a demand for 38 territorial seats for general constituencies distributed as follows :—

Four seats for each of the 9 districts	36
One seat for each of the 2 cities	2

Allotment on this basis would have given the majorities a percentage of 55·9 in the Legislative Council, involving a sacrifice on their part of nearly 19 per cent of the seats that should rightfully belong to them.

158. I strongly urge upon the attention of Government that it would be a most inequitable and unjust arrangement to deprive the majorities of their rightful due share of seats in the Legislative Council. It is an unkind blow delivered to the majority communities in the State, to reduce them from their present strength of 40·3 per cent to the strength of 35·3 per cent as per the recommendations of my colleagues. I would make a strong appeal to Government not to do injustice to the majority communities in the State. My appeal is not based on communalism, but on democratic principles. Surely, it would not amount to any democratic advance to reduce even the present strength of the majority communities in the Council. Moreover, these seats are only classed general and not Hindu. I am agreeable to the principle that these seats should be open to members of all communities including non-Hindus of the State. I go even a step further and state that the electorate for the territorial seats should be composed of Hindu as well as non-Hindu electors, in minorities getting a right of double voting for their own seats as well as for general seats (minorities, including Muslim and Christians and Depressed Classes). All this will be a sacrifice that the majority communities of the State would heartily pay for Democracy. They do not want any communal rule in Mysore; they want only democratic rule. I hope that the Government of His Highness the Maharaja, who have at heart the well-being of all sections of the people of Mysore,—of Christians, Muslims, Special Interests and of the people who are to be represented through territorial constituencies—would pay sympathetic consideration to this aspect and prevent injustice being done to the majority communities. I once again urge that 38 seats should be reserved to be filled up by territorial constituencies.

159. *Seats reserved for minorities and depressed classes.*—I would state here again that the seats reserved should be allotted to the districts by rotation; joint-electorates should prevail, the minorities having the right, not only of voting in the general constituencies, but also of contesting the general seats themselves. I repeat my confidence that the Hindu community is prepared for this sacrifice in the interests of democratic advance.

160. *Special Interests.*—The Planting Interests had only one seat reserved for them on the Legislative Council

hitherto. There is no need to over-weigh their representation. The European and Indian coffee planters of the State may together be given one seat, the other seat being allotted to other Planting Interests like arecanuts and cocoanuts.

161. I have already urged that the Representative Assembly should have a representative of the Legal Interests. There is greater reason that legal interests should have a seat on the Legislative Council. I am of opinion that the Legislative Council will be honouring itself in having men of the highest legal eminence elected by the legal constituency. A rule may be made that Lawyers of ten years' standing and paying a professional-tax or income-tax of above a certain specified sum should alone be entitled to stand as candidates for the legal interests constituency. For accommodating this seat the nominated non-official block might be reduced by one seat.

162. *Constituencies for some of the special interests —Industries.*—For the seat allotted to the Industries, the whole State should be deemed to be one constituency, the Mysorean directors and proprietors of all Mysorean industrial concerns in the State with a paid-up capital of two lakhs of rupees and more forming the electorate—the qualification for voting and candidature being equal.

163. *Mining.*—Mining interests should include all the mining interests in the State and not merely the Gold mining concerns.

164. *Labour.*—All labourers of factories in the State who have put in a service of six years and more in particular factories may be given the right of voting for, as well as contesting, the seats for the Legislative Council.

165. *Women.*—Members of all the women's associations irrespective of communities recognised by the Government may be formed into one electoral unit for filling up the seats to the Legislative Council.

166. *Nominated officials and non-officials.*—The nominated non-official element might be reduced to two or three and the rest of the nominated block, including the officials, must disappear from the Legislature. This is my opinion.

167. *Attendance of the Dewan.*—Dewan and members of the Executive Council should, as a rule, attend the deliberations of the Legislative Council and take part in it. I strongly oppose any suggestion of any analogy to Governors in this respect : the Dewan is a member of the council of minitsers to advise the Sovereign and does hold specific portfolios. Subjects concerning his portfolios demand his direct presence in the Council and statements regarding policies of Government in that respect. Hitherto, the Dewan was *ex-officio* President of the Legislative Council. When the Council elects its own non-official President, the Dewan must have to be either a member of the Assembly or of the Council. Under full Responsible Government, the former would be the case. But my colleagues should have at least recommended that the Dewan should be a member of the Legislative Council with the power of voting thereon. The coming in of a non-official President to the Legislative Council ought not to mean any higher status to the Dewan than enjoyed at present.

168. *Selection of the representatives of the State to the Federal Legislature.*—It is really gratifying that we came to the unanimous conclusions in the Committee that the election of five representatives to the Federal Legislature should be by direct election. In this respect our Committee's proposal is in advance of the provisions of the Government of India Act, 1935 for the Provinces.

169. According to the First Schedule to the Government of India Act, Mysore is entitled to send Seven representatives to the Federal Assembly and three to the Council. The Committee have recommended that only four out of the seven seats to the Assembly and one out of three seats to the Council may be filled by direct election, the rest being filled by nomination. I am of opinion that all the seats should be filled by direct election only. This is a question that has to be considered not only from the point of view of the interests of Mysore but also that of the rest of India as well. There cannot be a true Federation in India so long as any of the representatives of the Federating Units are not elected by the people. Mysore will be making a great contribution to the democratic advance of India as a whole and also setting a notable example to the rest of the States by electing all its representatives. The arrangement would also be a shining proof of the identity of interests of the Ruler and the Ruled in Mysore.

170. I would therefore appeal to the Government of His Highness the Maharaja to consider the subject of Federal Representation in a very liberal spirit. This act would win the gratitude of enlightened public opinion, not only in Mysore, but also in the whole of India.

171. I have to point out here that Federal Representation is one of the vital issues that would have been decided differently had my friends of the Mysore Congress continued to serve on the Committee. As I have stated earlier, all the present members of the Committee brought to bear a very progressive spirit in the consideration of this question and it is to this that we owe the recommendation that four out of seven seats to the Assembly and one out of three to the Council may be filled by direct election on a territorial basis. Circumstances being so favourable, if my friends of the Mysore Congress party had also remained in the Committee, we would have had a majority voting for selection of all the seven seats to the Federal Assembly by direct election; (on the question of filling the remaining two seats for the Council, voting would not probably have been different from the present). Still the extension of the principle of election to all the seven seats for the Federal Assembly would in itself have been a gain, whose importance cannot be sufficiently stressed, to the cause of democracy in India. But the action of a few leaders of the Mysore Congress should not be permitted to jeopardise the interests of the people of Mysore as well as those of the rest of India. The people's cause should not be considered to have gone by default merely because these members of the Mysore Congress, who were, along with others, given the privilege of representing the people on the Committee chose to go out of the Committee. I have pleaded and do plead here again that the Government of His Highness the Maharaja should take a very liberal view of the matter and not be guided by the consideration whether the members of the Mysore Congress remained on the Committee or not. I hope that the Government of Mysore, who have at heart the interests of the people of Mysore, and are actuated by truly nationalistic impulses, will give effect to what would have been the recommendation of the Committee, rather than what has been the recommendation in the absence of the members of the Mysore Congress. I would also request them to go a step further and provide that all the three seats on the Federal Council should also be filled by direct election.

172. There were several proposals before the Committee for securing reservation of seats on the Federal Legislature for special interests or communities like Harijans, Labourers, Women, Chamber of Commerce, Muslims, etc. The Committee very properly rejected all these proposals by an overwhelming majority. I am entirely in agreement with the Committee. Apart from the sheer impracticability of reserving seats for these claimants. owing to the small number of seats that Mysore can fill, consideration of the interests of the State demands rejection of all such claims. Whatever be the limited sphere to which a person may choose to owe allegiance inside Mysore, outside the State he should owe loyalty only to the Ruler and the State and not to any sectional interests. Outside Mysore, its citizens should regard themselves not so much as Hindus or Muslims or Harijans or labourers or traders, but as Mysoreans and loyal subjects of His Highness the Maharaja. He who is selected to the Federal Legislature from a limited constituency like the communal or the sectional cannot be considered to represent the cause of Mysore fully and adequately. That is why I voted with the majority in the Committee that the elected representatives to the Federal Legislature should be chosen from one single territorial constituency covering the entire State.

Section VII (A)—"Fundamental Rights."

173. I would urge the inclusion of a provision securing to Kannada its rightful premier place as the language of the State. Its due position in the administration or in the educational institutions, courts and the legislature should not be made to suffer on any account.

Section VII (B)—"Public Services Commission."

174. While I agree to the setting up of a Public Services Commission, I am against the idea that its purpose should be to secure the principle of giving a fair opportunity to all communities for a share in the public services of the country. The principle of communal representation in public services should not be recognised at all; efficiency of the services and merit of the candidate should be the only guiding factors in selection.

175. *Franchise.*—The Committee have recommended that the qualification of voters to the Legislative Council

should continue to be the same as now, but have suggested that in the case of the Representative Assembly, payment of Rs. 10 land revenue or S. S. L. C. standard may become the reduced qualification to the Assembly. Since I did not get any support for my suggestion for adult franchise except from Mr. R. Chennigaramiah, I would urge that at least in the case of voters to the Assembly, qualification should be reduced to payment of Rs. 5 land revenue or the passing of Middle School Examination. The ultimate goal being adult franchise, I believe that we should progress in that direction as far as possible. Reduction of the qualification to payment of Rs. 5 land revenue or passing of Middle School Examination, would, no doubt, considerably increase the number of voters, but the candidates will not be put to undue hardship as the constituencies are confined to the limits of a taluk or town.

SECTION III– Executive.

176. "*Composite Cabinet*".—My colleagues have recommended what they term a composite form of Cabinet for Mysore. After discussing various alternative schemes, they have explained their proposals in para 199 of the report. The Dewan and the two Executive Councillors will remain as at present. One elected member of the Assembly and one elected member of the Legislative Council will be chosen by the Maharaja at his discretion and added to the Executive Council. Neither these non-official Executive Councillors nor the official Dewan and Councillors are made removable on a vote of no-confidence. In fact, no provision is made for any such vote. It is in this way that the present Executive Council becomes transformed into the "Composite Cabinet" of Mysore.

177. A composite cabinet generally consists of members of equal status though they may belong to different political parties or views. But a composite executive of officials and non-officials is a peculiar combination presenting complicated problems and my colleagues propose to overcome the difficulties by giving the same status, rank and pay to the non-official ministers as is enjoyed by the permanent officials. Though my colleagues rejected the suggestion of taking into the cabinet the leader of the party commanding a majority in the Legislature, they yet express a hope that the persons chosen should be those that may be expected to enjoy the support of the Houses. And

secondly, my colleagues state that the Ruler should have the discretion to make the best selection and that he should be free to give the members of all communities an opportunity to hold the Councillorships.

178. On careful analysis of the suggestions of my colleagues it will be clear that His Highness will have to take into consideration the following points in the order of their importance in selecting the non-official ministers.

(1) *First important point.*—Wishes of the Dewan whether any particular non-official would be a desirable addition to the Cabinet.

(2) *Point next in importance.*—Whether there would be communal satisfaction by the addition of particular non-officials.

(3) *Point third in importance.*—Whether the non-official chosen may be considered an able man.

(4) *Point last in importance.*—Whether the non-official chosen would command the confidence of the Legislature.

179. In such a selection the non-official minister will first owe a loyalty to the official Dewan, whoever he may be, for recommending his name; a second loyalty to the community to which he personally belongs since it is to give communal satisfaction that he is selected; a third loyalty to the communities to which the Dewan and the Executive Councillors belong since the communities from which the non-officials are selected are determined by a consideration of the communities to which the officials of the Cabinet already belong. In such a series of loyalties it is hardly possible that he will keep loyal to any of the principles he might have held prior to his selection or to the programmes chalked out by the party to which he may belong. It is quite possible, no doubt in rare cases, extra-ordinary men of ability and rare courage may overcome all the obstacles and be of service to the people by being in the Cabinet. But in the considerations that should weigh with His Highness, especially the communal, as per recommendations of my colleagues, such m n of ability will practically have no chance of a place in the Cabinet. In the result, the non-officials chosen can rarely initiate bold

new policies and programmes which the growing needs of the people demand. They will become merely speaking trumpets to policies of the official Dewan and Councillors.

180. Hence, there must be a provision made at least in the rules and standing orders, in my opinion, for the bringing in of no-confidence motions, if the non-official ministers are to be really useful in any way at all to the people. In the absence of such a provision, I fail to see how there is any the least advance from the present state of affairs. The Seal Committee, sixteen years ago, recommended the addition of non-officials into the Cabinet for " their assured hold on the affections of the people." This step, the Seal Committee thought, would contribute to strengthen that living harmony between the administration and the people. But the recommendations of my colleagues in this respect do not assure the selection of one for his hold on the affections of the people generally. In effect these recommendations may assure the selection of a non-official for his hold on the affections of his community rather than that of the people in general, since my colleagues want to recognise the principle of communalism in the Executive Council. I am afraid that such proposals are more retrograde in character than the recommendations of the Seal Committee which did not recognise such a communal principle at all.

181. How to know that the non-official selected has " an assured hold on the affections of the people or that he continues his hold on their affections ? " It is only when confidence is expressed in him by the Legislature. This is also gauged in a negative manner by giving the right to the Legislature to move a vote of no-confidence. *There is no greater danger to the tranquillity of the State than the keeping in office of a wholly unpopular minister despite his ability and despite his birth in a particular community and, as against this supreme consideration, all other technical considerations of joint responsibility, composite cabinet, etc., pale into insignificance.* I am therefore emphatically of opinion that a provision should be made for the expression of no-confidence.

182. My colleagues think that the removability of the ministry, either in part or in whole, will have to grow up by convention and that the real discretion to change it should rest with the Ruler. The question arises as to

how the convention should grow and in what manner should the Ruler be enabled to exercise real discretion to change the ministry in the best interests of the State. His Highness can only exercise proper discretion after ascertaining the grounds of complaint against the ministry. When my colleagues have recommended the bringing to the notice of His Highness all resolutions passed by the Legislature casting any reflections against the ministry, I fail to see why there should not be a recognised method of bringing the one motion called "The No-confidence Motion" in a formal manner which gives scope to bring within the purview of one full-dressed debate all that the peoples' representatives may have against the ministry. Other resolutions, etc., may give only a piecemeal idea and it may not be in the best interests of the State for His Highness to act upon such incomplete information.

183. It may be true, as my colleagues state, that the recent tendency in the Houses of Commons is to treat every question as a matter of "confidence". But, in the circumstances of a small State like Mysore, it would encourage unnecessary and wanton opposition on every question should such a tendency be encouraged and the country would be thrown into turmoil on every such question. The best method that makes for the stability of the Government and freedom form every day commotion would be to provide within the rules and standing orders of the Legislature for a no-confidence motion to enable the ministry or the minister to answer all the charges against them on the floor of the House and provide proper and full material for His Highness to exercise full discretion whether to remove the ministry or not, in part or in whole. It is only by such definite process and not by vague piecemeal methods that even the automatic removability of the ministry can come about by convention ultimately, as my colleagues hope that it will.

184. Apart from my stand for full and immediate establishment of Responsible Government, I consider that there should be provision made for a vote of no-confidence motion even if Government should choose to accept the proposals of my colleagues alone and reject my counter recommendation for full Responsible Government immediately.

185. My colleagues think that a vote of no-confidence is an incident of Responsible Government only and that

where a non-official minister is involved he may take shelter under the plea of joint responsibility of the Cabinet as a whole and point out to the official members of the Cabinet as responsible for their non-encouragement to his policies, and that all this would breed unnecessary dissentions. That is why I would point out that the proper remedy to set right such a state of affairs would be to make the entire cabinet itself, including the Dewan, removable on a direct vote of no-confidence. Should this proposal not commend acceptance and it should be thought it might be left to the discretion of the Maharaja to remove the official ministers, including the Dewan, or in the alternative to give them a direction to change their policies, then there would be nothing wrong in principle to remove the non-official ministers only on a vote of no-confidence. It may happen that the non-official ministers affected thereby may not have been responsible for the policies attacked in the Legislature. But yet their non-ability as popular ministers to influence the policies of the Cabinet as a whole in a manner acceptable to the Legislature, can be sufficient ground for their discontinuance in the Cabinet from the people's point of view.

186. It is only in such a state of affairs that men of real worth and ability can come forward in public life and be chosen to the cabinet. If they do not possess sufficient knowledge, experience of public affairs, and ability to convince the official members of the cabinet and convert them to the popular point of view, it would be no use to take them into the cabinet and give them merely the outward trappings like the status, rank and pay of the official members. If the work of the present executive ministry in Mysore has in any way become very heavy due to enormous growth of Governmental functions and duties it can be more profitably be supplemented by two more official Councillors rather than the inexperienced non-official ministers against whom the Legislature cannot express a vote of no-confidence. I would therefore urge very strongly on the attention of the Government of His Highness the Maharaja that the absence of a provision for a vote of no-confidence in the rules and standing orders at least though not in the body of the constitution act itself, will not satisfy even the most moderate sections of enlightened public opinion in the State.

187. *Status of ministers under the Provincial Auto-*

nomy.—My colleagues have considered the status of Provincial ministers in para 202 and in para 203 of the Report, they observe as follows :—

> The broad principles underlying the constitution of the Provincial Executive in India, to the extent of which they are embodied in the Government of India Act, are acceptable to us. They involve the recognition, as we have seen, of differentiation between the functions of the Legislature and the Executive, so that one may not encroach upon the sphere of the other. The supreme Executive in the Provinces is distinct from the ministry whose functions constitutionally are only advisory, and whose appointment is left to the discretion of the supreme Executive. The ministry is the link between the Executive and the Legislature, and responsibility is to be achieved in the increasing measure by the growth of conventions. These principles could be applied almost straight away to Mysore.

188. In the light of the above remarks, it is necessary to examine the scheme proposed by my colleagues since in case it is really based upon the application of the broad principles underlying the Provincial Executive, the advocate of Responsible Government need have no quarrel with that scheme.

Status of ministers under Provincial Autonomy.	*Status of ministers in Mysore State as proposed by my Colleagues in the Report.*
(1) The salaries of Ministers shall be such as the Provincial Legislature may, from time to time, by Act determine, and until the provincial Legislature so determines, shall be determined by the Governor, provided that the salary of a minister shall not be varied during his term of office (Section 51 (3) of the Government of India Act).	(1) Neither at present nor according to the recommendations of my colleagues are the salaries to be determined by the Legislature.
(2) A person will be disqualified for being chosen as, and for being a member of, a Provincial Legislative Assembly or Legislative Council if he holds any office of profit under the Crown in India (Section 69 (1) (a) of the Government of India Act).	(2) and (3) At present the Dewan and Executive Councillors are holding office of profit under the Maharaja, *i.e.*, they are officials, and yet my colleagues have recommended that the Dewan should be the President of the Assembly and the Executive Councillors *ex-officio* members of the Legislative Council.
(3) A minister, who, for any period of six consecutive months, is not a member of the Provincial Legislature, shall, at the expiration of that period cease to be minister (Section 51 (2)).	

189. If the status of ministers in Mysore is to be equal to that of the Provincial ministers and yet it should be felt that the presence of those with official experience of the administration be deemed desirable and necessary in the Cabinet as my colleagues express in para 206 of the Report, then the proper recommendation in this behalf should be : (1) That the Dewan and ministers with official experience should first be nominated as members of the Legislative Council and then appointed as members of the Executive Council with their respective portfolios. (2) Their official career must be deemed to have ceased with such nomination, *i.e.*, they must not be persons holding office of profit under the Maharaja. (3) And so far as their salaries to be drawn by virtue of their being ministers, they must be left to be determined by the Legislature as under Provincial Autonomy. (4) It is only under this kind of status the Dewan and Executive Councillors and the non-official ministers can together form what may be called a composite cabinet. (5) On any vote of no-confidence, His Highness the Maharaja would have discretion either to dismiss the entire ministry or only the elected members of the Legislature.

190. But my colleagues have not accepted these principles underlying the constitution of the Provincial Executive under Government of India Act and hence there was no possibility of any compromise being arrived at on this question as indicated by me in the previous paragraph. And especially their recommendation that the Dewan should not be a member of the Legislative Council but may attend it at his discretion, makes me think that under such an arrangement the status of the Dewan will gradually rise to that of a Governor and by his power and influence he will be eclipsing the Sovereign in Mysore. As one witness in the Committee remarked, it will be like having two kings in Mysore and will create complications (Mr. N. Rama Rao, Retired Director of Industries). Under these circumstances, I consider that the best arrangement would be for His Highness the Maharaja to call upon any member of the Representative Assembly whom he considers as likely to command the confidence of the Legislature to take up the duties of the Dewan or Prime Minister. On his advice the members of the Cabinet with official experience as well as non-officials may be added to the Cabinet. This will be a real composite Cabinet jointly responsible for all advice tendered to His Highness.

191. On the question of the constitution of the Executive ministry my scheme is the same as contained in the Mysore Congress scheme. I have taken the following seven provisions from that scheme though on other matters I have my differences with it. (Appendix page 20 of the Report).

Mysore Congress scheme of Responsible Government in Mysore.

192. *The Executive.*—(1) The executive power of the State is vested in the Maharaja acting on the advice of the Council of Ministers subject to the provisions of the constitution and the laws of the State.

(2) There shall be a Council of Ministers consisting of the Prime Minister and, until Legislature otherwise provides, not more than four Ministers of the State.

(3) The Prime Minister shall be appointed by the Maharaja and the Ministers shall also be appointed by him on the advice of the Prime Minister. The Ministers shall, be sworn as the members of the Council and shall hold office during the pleasure of the Maharaja.

(4) A Minister who, for any period of six consecutive months, is not a member of the Legislative Assembly shall at the expiration of that period, cease to be a Minister.

(5) The salaries of Ministers shall be such as the Legislature may, from time, to time by Act determine: provided that the salary of a Minister shall not be varied during his term of office.

(6) The Council of Ministers shall be collectively responsible to the Legislative Assembly for all matters concerning the department of the State administered by the Ministers and generally for all advice tendered by it to the Maharaja.

(7) All executive action of the Government shall be expressed to be taken in the name of the Maharaja.

193. *The prerogative rights of His Highness the Maharaja.*—My chief difference with the Mysore Congress scheme was stated in the Reforms Committee even while

I was yet a member of the Mysore Congress. This point related to the definition in any way of the powers and privileges of His Highness the Maharaja or the limitation of His Royal prerogatives. Mysore is a State where a constitutional mode of administration has been established and, as the Chairman of the Committee was pleased to say from his experience of his membership of the Executive Council, that the Maharaja does not only not interpose in the day-to-day administration of the State but that he acts only on the advice of his ministers. Since the State is a separate political entity in India, due only to the presence of the Ruling Dynasty, it is quite necessary that in order to preserve the State's distinctive entity, the Ruler should have in him the powers of ultimate ratification and veto. As I have shown in the body of this note, there would be no occasion for any interference on the part of the Paramount Power in the internal affairs of the State under a system of Responsible Government. Hence, under a system of Responsible Government, the royal prerogatives can only be used by the Maharaja when he considers them to be in the best interests of the State, and not under the directions of the Paramount Power. With a fixed Civil List, separated from the rest of the revenues and expenditure of the State and the traditions of constitutional rulership established by the Maharajas, I am personally of opinion that under the scheme of Responsible Government proposed by me, the ministry shall loyally obey the final verdict given by the Maharaja and shall not create any deadlocks over such ultimate exercise of royal prerogatives.

194. This would be in perfect accord with the goal of Responsible Government under the aegis of the Maharaja and on December 17 1938 alone, I had stated in the Committee while I was still a member of the State Congress that I do not support the converse position, *viz.*, the Maharaja to be under the aegis of the popular ministry. Hence, when any policies of the ministry even after getting the support of the Legislature were to be over-ruled by the Sovereign, the fact shall be made known to the Legislature. There shall not be any further discussion in the Legislature on such exercises of the prerogative rights and neither the ministry nor the legislators should resign on such grounds. It should be left to His Highness himself either to dismiss the ministry or dissolve the Legislature if he feels that there is need in the country for a proper

discussion of the subject and a fresh election on the important issues. If, however, he does neither dismiss the ministry nor dissolve the Legislature, no deadlocks shall be created by the popular representatives themselves.

195. Not only the minorities but all classes, interests and communities in the State regard the Sovereign as the protector of their interests. Hence, it would be in the best interests of the State to leave untouched the prerogative rights of ultimate veto and ratification in the hands of the Ruler under a system of Responsible Government.

BHOOPALAM R. CHANDRASEKHARAYYA.

31-8-39.

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APPENDIX TO THE SUPPLEMENTAL AND DISSENTING NOTE.

(Bhoopalam R. Chandrasekharayya.)

In this Appendix to the note I wish to place on record my points of view regarding the controversy that was raised by the Mysore Congress Working Committee on my resignation from the Mysore Congress on 24th December 1938. This is necessary in view of the fact that the Mysore Congress Working Committee withdrew five members of the Mysore Congress from the Reforms Committee ostensibly on the ground that the Government of Mysore refused to remove me from the Reforms Committee at the request or behest of the Mysore Congress Working Committee. Since the letter of the Mysore Congress Secretary dated 17th January 1939 and the resolution of the Working Committee is published in the report of the majority of my colleagues and alluded to by them in the introductory portion thereof, it is my duty to clearly state my position.

2. At the very outset I must remark that I had the least bit of any intention to place the Government of Mysore or the Mysore Congress in any difficult situation whatsoever by my resignation from the Mysore Congress at that stage. I did not in the least bit expect any sort of controversy at all at the time of my dissociation from my friends and their party, *i.e.*, the Mysore Congress. I did resign from the Mysore Congress in the simple belief that as a citizen of Mysore and subject of His Highness the Maharaja I did enjoy the fundamental rights of citizenship of association with any political party or dissociation therefrom at any time a citizen might like without paying any penalty for such actions such as dispossession of property rightly acquired or positions rightly held in public by virtue of such citizenship of Mysore.

3. No doubt in totalitarian states such a liberty is denied to the individual. In such a state the one party in power professes to command the loyalties of all citizens and woe unto him who deserts the party or dare speak against it in any manner whatsoever! But the Mysore Congress is a democratic organisation fighting for a democratic ideal and I did expect at the time of my resignation from the Mysore Congress that the democratic principles would be fully kept in view by them and applied in the matter of my resignation from their party.

4. In this I was utterly disillusioned!

5. The Government of Mysore communicated their decision to appoint me on the Reforms Committee in March 1938. They clearly stated that this was done purely in my individual capacity and that they had nothing to do with my party affiliations. When the Government's decision was communicated to me I had not at all joined the Mysore Congress. My subsequent joining that party in no way altered the character of my original appointment in my individual capacity on the Reforms Committee. Out of my free will I could join any political party or resign therefrom. This individual liberty was not taken out of me either by the fact of my nomination to the Reforms Committee by the Government or by my subsequent joining a democratic party like the Mysore Congress. The Government order appointing the Mysore Reforms Committee was published on 1st April 1938. It was only ten days later that the Mysore Congress itself came into constitutional existence in its first convention at Shivapura on 10th April 1938. When the first meeting of the Reforms Committee was held on 28th April 1938 I could not be present due to my absence from station. I had been to Wardha to appraise Mahatma Gandhi of the situation in Mysore created by the Indian National Congress Flag Satyagraha started by the Mysore Congress at that time. By the Government order of 17th May 1938 the Government were pleased to add to the members of the Reforms Committee three new members to be selected by the Mysore Congress. These three new members were Messrs. H. C. Dasappa, H. B. Gundappa and K. T. Bhashyam.

6. The Government order of 17th May 1938 in no way altered the character of my previous nomination by the Government to the Reforms Committee. I remained a nominee of the Government only. Of course since at that time of the passing of the Government order of 17th May 1938 myself and three other members of the Reforms Committee happened to be members of the Mysore Congress party the latter could then boast of a strength of seven members of its party in the Reforms Committee. To clarify matters repetition is necessary. *Of this number seven, three alone were Mysore Congress nominees.* As regards the rest who were nominees of the Mysore Government, the Government order of 17th May 1938 is absolutely silent and does not in any way fix up the strength of the Mysore Congress in the Reforms Committee in any manner whatsoever. Even if all the non-official members of the Reforms Committee (*i.e.*, twenty-five in number) did join the Mysore Congress during the course of the work of the Reforms Committee and thus the Mysore Congress strength were raised from seven to twenty-five, the Government of Mysore could neither take exception to such a state of affairs nor threaten a dissolution of the Reforms Committee unless the Mysore Congress were to agree to a change of personnel of all the original nominees of the Government in the Reforms Committee. Similarly if the Mysore Congress strength of seven became reduced by any

resignation from that party the latter could neither demand a change of personnel on that ground nor threaten non-co-operation with the Reforms Committee or start struggle with the Government on this issue. That was the position as it stood by the Mysore settlement contained in the Government order of 17th May 1938.

7. My break with the Mysore Congress party had almost come about in the first convention at Shivapura in April 1938 when the subjects committee turned down by an overwhelming majority my suggestion to honour the Mysore Gundaberunda Flag along with the Indian National Congress Flag. It was due to this very serious difference of opinion that I had to undertake a journey to Wardha to appraise Mahatma Gandhi of the situation in Mysore. After the settlement of the flag dispute however I should have certainly found it possible to continue in the Mysore Congress but for another very serious difference cropping up on the question of the continued co-operation or not with the Reforms Committee. I was an ardent co-operationist from the beginning since I felt that in the circumstances obtaining in Mysore a policy of co-operation and good will assured a more substantial measure of Reforms to the people than a policy of non-co-operation and unnecessary bitterness.

8. The leaders of the Mysore Congress, I felt, were unnecessarily attempting to force a policy of non-co-operation with the Reforms Committee. This appeared to me to be clearly against the spirit of the Mysore settlement by which it was hoped that there would be "a conclusion of a period of doubt and difficulty, and the inauguration of a new era of progress and prosperity in the State" (G. O. 17th May 1938). Doubts were being entertained by several members of the Mysore Congress regarding the proper moorings of such a policy of attempted non-co-operation and the clouds of doubt thickened when the Working Committee of the Mysore Congress openly brought a resolution in the Gavipura Session of the All-Mysore Congress Committee in August 1938 advocating withdrawal of the Mysore Congress members from the Reforms Committee. It was openly stated that one of the grounds for a policy of non-co-operation at that stage was "the penalties and disabilities to which several Congressmen are being subjected to by the Government in various ways" (c.f. Item No. 8 A.M.C.C. resolution, Gavipura). To some of us such things appeared to be of a purely personal nature which ought not to be made the ground for non-co-operation.

9. For all these reasons I had curtly refused to give the pledge demanded of me for my work on the Reforms Committee in the capacity of a member of the Mysore Congress. Not being nominated by them on the committee I stated that I would work without giving a pledge though in the fullest collaboration with the other Mysore Congress members within the Reforms Committee since on the question of the advocacy of the establishment of Responsible Government under the aegis of the Maharaja I had no difference whatsoever

with them. Matters came to a head at last on 6th September 1938 on the question of the pledge and I stated my independent position in the clearest terms possible in a letter to the President and members of the Mysore Congress Working Committee in Bangalore. My resignation from the Mysore Congress was then a certainty. To my utter surprise however the situation took a different turn when some of the Mysore Congress leaders assured me on behalf of the Working Committee that they were not going to non-co-operate from the Reforms Committee or withdraw Mysore Congress members therefrom. On this explicit assurance I gave a pledge stating that I would agree to serve on the Reforms Committee as a representative of the Mysore Congress from 6th September 1938 and be responsible to them for my work thereon. Thus it was a conditional pledge that I gave six months after the constitution of the Reforms Committee and five months after the Mysore Congress began co-operation with it. It rested upon certain assurance and understandings. The pledge was to be operative only so long as the Mysore Congress adopted a policy of co-operation with the Reforms Committee. It was a purely private and personal pledge to the Mysore Congress. The Government of Mysore had nothing to do with this private and personal pledge. Certainly the Mysore Congress did not then communicate to the Government of Mysore that I had given a pledge to the Mysore Congress on 6th September 1938. Certainly the Mysore Congress did not move the Mysore Government to pass any Government order from 6th September 1938 to the effect that I lost my character of my original nomination by the Government to the Reforms Committee and to the effect that thereafterwards I in any way became a mere nominee of the Mysore Congress. Being under no obligation to give that pledge and having given it out of my free will on the above assurance of the Mysore Congress leaders I was ever free to break that pledge if the Mysore Congress Working Committee acted against the assurance given to me on its behalf.

10. Fresh attempts at non-co-operation with the Reforms Committee were however revived on some pretext or other and at last on December 13, 1938, the President of the Mysore Congress wrote the following letter to me and to the other members of the Mysore Congress :—

"Balepet, Bangalore City,
13*th December* 1938.

Dear Friend,

It was understood at the All-Mysore Congress Committee at Tumkur that you must press the question of recommending full Responsible Government or not to a decision at the very next (*i.e.*, now sitting) meeting of the Reforms Committee and that if the Committee did not decide in favour, we must withdraw our nominees. So, there is no mincing matters, because it is a word of honour, and we have to carry out their bidding as understood. And I have no

alternative but to remind you about it and request you to bring a decision as above to be placed before the Working Committee.

With kind regards,
Yours sincerely,
(Sd.) T. SIDDALINGIAH,
President."

To

SHRI BHOOPALAM CHANDRASEKHARIAH.

The above letter is a positive direction to the Mysore Congress members on the Reforms Committee to withdraw immediately therefrom. This letter was clearly breaking the Mysore settlement in letter as well as in spirit. The Reforms Committee by a big majority decided in that session to discuss in general terms only the future constitution to be recommended for Mysore but never came to any decision on the question of Responsible Government as demanded by the Mysore Congress President in the above letter. According to the command of the Mysore Congress President, therefore, the Mysore Congress members had immediately to withdraw from the Reforms Committee in the middle of December alone, or the next session, *i.e.*, from 17th January 1939. That session of the Reforms Committee in December 1938 concluded on the 17th instant. After the receipt of above letter from the Mysore Congress President I unequivocally gave my mind to the Mysore Congress Secretary and other leaders and within a week I joined Grama Seva Sangha and on December 24, 1938, I resigned from the Mysore Congress clearly stating in my letter of resignation that I will continue to work on the Reforms Committee. I also stated in my letter of resignation to the Mysore Congress that I was no nominee of the Mysore Congress and that I was nominated to the Reforms Committee by the Mysore Government prior to my joining the Mysore Congress.

11. The Mysore Congress Working Committee thought that a convenient handle was furnished to them in my resignation from their party and resolved to come out of the Reforms Committee on a fresh pretext by asking of the constitutionally impossible at the hands of the Mysore Government. Thus they demanded my removal from the Reforms Committee for putting their own nominee. Their previous intention to come out of the Reforms Committee on the Responsible Government issue was now shelved to the background and a fresh pretext sought after. The Mysore Government replied that I did not cease to be a member of the Reforms Committee merely for the reason of my ceasing to be a member of the Mysore Congress and that besides any change of personnel was inexpedient at that juncture. I maintained that the question at issue was purely between myself and the Mysore Congress Working Committee and

not at all between the Mysore Government and the Mysore Congress. I maintained that the Government had no constitutional powers to remove me during my work on the Reforms Committee and any attempts on the part of the Mysore Congress Working Committee to invoke the aid of the State Machinery to enforce any measures of party-discipline against me were undemocratic and against notions of fundamental rights of citizenship. I declared that I would act as if I were still one of the Mysore Congress members only so far as my work on the Reforms Committee was concerned by honoring the pledge and that I would work in collaboration with them in the Reforms Committee. I appealed to them to come back to the Reforms Committee.

12. Yet the Mysore Congress leaders began to charge the Mysore Government with the breach of the terms of the settlement of 17th May 1938 and went on carrying propaganda in this strain. In this matter I sought the advice of Sirdar Patel, the great Indian National Congress leader, who was responsible for the Mysore settlement. To me it appeared clearly that his letters supported my contention that the question at issue was one between myself and the Mysore Congress only. In his letter dated 25th February 1939 Sirdar Patel states clearly as follows :—

" The question at issue is not whether the State has committed any breach of the terms or not but whether you as a member of the Mysore Congress organisation have acted fairly and squarely in this unfortunate situation that has been created by your resignation at this stage."

13. The above quotation from Sirdar's letter clearly proves that my personal conduct alone was the question at issue and that blame may be rightly attachable to me for my resignation from the Mysore Congress at that stage. I could have certainly waited for a little while longer when the Mysore Congress members would have themselves walked out of the Reforms Committee on some other pretext. It also clearly proves that for any blame rightly attachable to me the Mysore Congress need not have paid any penalty such as non-co-operation on their part with the Reforms Committee. Surely they forgot that the party is far above individuals. And the Mysore Congress then non-co-operated, wrongly alleging that the Government of Mysore did commit a breach of the terms of the settlement of May 1938. Sirdar Patel's advice to me was peremptory : he simply asked me to resign from the Reforms Committee and thereby make the way smooth for the Mysore Congress to put in their nominee. The ground for this advice appeared to me to be the impression that the Sirdar entertained that I along with three other members of the Reforms Committee had resigned prior to the Mysore settlement of May 1938 and that we were all renominated, thereby becoming nominees of the Mysore Congress.

Sirdar Patel's letter dated 26th January 1939 contains th following :—

" I have made it clear to you that the moment you resigned form the Mysore Congress your clear duty was to resign also from the Mysore Reforms Enquiry Committee.. It is not fair to the Party on whose behalf you were nominated on the Reforms Committee to put them in this embarrassing position at this critical stage. The very fact that you resigned from the Mysore Congress is enough for them to distrust you. In fact, they had their doubts at the time of your nomination after the settlement, but I had persuaded them not to distrust you as you had resigned from the Reforms Committee immediately you were called upon to do so along with your other colleagues on the former occasion." (This is from Sirdar Patel's letter.)

Since I had not at all resigned from the Reforms Committee at any time whatsoever I wanted to make sure whether I had simply missed to resign while the three other colleagues of mine might have resigned prior to the Mysore settlement. Hence I sought for light from the Reforms Committee Office and the Secretary of the Committee gave the following letter in reply :—

" 1444—C.R.C.

COMMITTEE ON CONSTITUTIONAL REFORMS,
PUBLIC OFFICES,

Bangalore, dated 21st February 1938.

DEAR SIR,

With reference to your letter of yesterday I am desired to state that prior to the 17th of May 1938 there was only one meeting of the Reforms Committee, *i.e.*, on 28th April 1938 and that no resignations of membership have been received at any time either from you or from Messrs. D. H. Chandrasekharayya, K. Chengelrayyareddy and V. Venkatappa.

Yours sincerely,
(Sd.) K. G. DUTT,
Secretary."

It is therefore clear from the above that most unfortunately the Mysore Congress seems to have misrepresented facts to Sirdar Patel to give colour to their version that by the Government order of 17th May 1938 I became a nominee of the Mysore Congress. The fact is I had never resigned at any stage and no renomination of me effected. The Mysore Congress could not therefore claim me as their nominee.

14. However I had no desire to prevent the Mysore Congress from having their own way. Hence acting up to the spirit of the

advice of Sirdar Patel I actually handed over my letter of resignation of my seat on the Reforms Committee into the hands of the President of the Mysore Congress on 26th February 1939, during the Malleswaram Session of the All-Mysore Congress Committee specially convened to consider the situation arising out of my resignation from the Mysore Congress. I requested them to appoint an impartial tribunal to go into the whole controversy raised by them and I gave them full authority in writing to forward that letter of resignation to Government, in case the tribunal's verdict did go against me. They neither forwarded it to Government nor returned that letter of resignation of my seat on the Reforms Committee to me. They however resolved to withdraw from the Reforms Committee and the legislature and public bodies too! Keeping my letter of resignation of my seat on the Reforms Committee in their very shoulders, the Mysore Congress members withdrew from the Reforms Committee loudly proclaiming that they were doing so, as a protest against the action of the Mysore Government in not removing me from the Reforms Committee!

15. The above narrative, I hope, speaks for itself and answers all the points raised by the letter of the Mysore Congress Secretary and the resolution of the Mysore Congress Working Committee, dated 17th January 1939, published in the report of the majority of my colleagues on the Reforms Committee.

16. The Mysore Congress leaders were from the beginning labouring under one unfortunate mistake. They thought that they were conferring a favour upon the Mysore Government by co-operating with the Reforms Committee and hence on finding some pretext or other they were threatening non-co-operation. Some of us on the other hand felt that this was a very dangerous view to take and insisted that the opportunity provided by the Government to place our point of view before them on the question of Responsible Government should not be lightly thrown away. We felt that in the circumstances of Mysore this was a necessary stage that would give immense strength to the movement for Responsible Government. Had my friends of the Mysore Congress remained in the Reforms Committee to the end of its labours they would have certainly produced a report that would have been of permanent value to Mysore in constitutional matters. Before what they would have produced my minute of dissent is only an apology for the advocacy of the great cause of Responsible Government. Within the Mysore Congress organisation are to be found great constitutional authorities, whom it would be the pride of any organisation to possess.

17. It is most unfortunate that the Mysore Congress Working Committee acted in such a way as to deprive the public of Mysore the benefit of the hand of such constitutional experts in producing a report that would have become of All-India importance in constitutional documents in Native States. Mere struggle and

non-co-operation alone will not win us Responsible Government in Mysore. Proper advocacy of the cause and wide-spread propaganda based on such advocacy are equally necessary to convince the intelligent public of Mysore and win unquestioned popular strength to the movement for Responsible Government.

18. However unfortunate this episode might be, I have still stood for the immediate establishment of Responsible Government in Mysore. This is due to the fact of a realisation on my part that the heart of the Mysore Congress movement for Responsible Government is sound : only the leadership has been defective till now ; but before long proper leadership is bound to emerge and rectify matters. We have an awakened public in Mysore who will not stand defective leadership. My quarrel has ever been against the policies of the leaders but never against the sacred movement for Responsible Government. Hence, I am prepared to take any blame that might rightly belong to me in the eyes of dispassionate observes in the incidents connected with my resignation from the Mysore Congress. All that I am anxious, as a citizen, is that the Mysore Congress by following proper lines of action do achieve at the earliest possible moment Responsible Government under the aegis of the Maharaja for the lasting benefit of the people of Mysore.

BHOOPALAM R. CHANDRASEKHARAYYA.

Karnataka State Archives,
(Departmental Library)
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SEPARATE NOTE

BY

MR. P. MAHADEVAYYA.

CONTENTS.

PARAGRAPHS

CHAPTER I.

Theory of uniformity of internal administration of all federal units ... ... 1—23

CHAPTER II.

System of Responsible Government—

Section A :—Responsible Government and its pre-requisites ... ... 24—29

Section B :—Working of Responsible Government in the British Indian Provinces ... 30– 50

CHAPTER III.

Declaration of the goal of Responsible Government ... 51—74

CHAPTER IV.

Mr. D. V. Gundappa's Formula ... ... 75—92

(11)

SEPARATE NOTE

BY

MR. P. MAHADEVAYYA.

Points of difference.

I regret that I have to strongly differ from the following recommendations of my colleagues :—

I. That there should be a declaration of the goal of Constitutional Reforms ;

II. That the said declaration should be in terms of " Responsible Government " ;

III. And that the definition of the goal of ' Responsible Government,' as contained in the ' Formula ' on page 66 of the Report, should be incorporated in the Government order promulgating the Constitutional Reforms.

CHAPTER I.

Theory of uniformity of internal administration in all the federal units.

Congress propaganda for responsible government in Indian States.

2. As the demand for Responsible Government in Mysore is only a part of the larger question of agitation in British India for Responsible Government in all the Indian States, it is necessary to examine this aspect and we cannot exclude the All-India question from consideration. My colleagues hold that the Mysore question is directly connected with the larger controversy in British India, but have not elected to make any remarks thereon. Various assertions have been made on this question, but certain important aspects of it have not received sufficient attention. I have therefore examined them at some length in this chapter in paragraphs 1-23. The expression " Responsible Government " is understood differently by different people, and as shown by the materials before the Committee its full implications do not seem to have been properly understood in the country. But still the demand for the introduction of " Responsible Government " in the Indian States received a strong stimulus from the Indian National Congress.

The Congress leaders insisted that, as a condition precedent to the introduction of Federation, there should be uniformity in the internal administration of all the federal units and that the Indian Princes should therefore be called upon to introduce "Responsible Government" in their respective States before the inauguration of the Federal scheme. In their conception, "Responsible Government" is the only good form of Government, and no other system of government, however good, however beneficial, and however ancient, has got a place in political science. A raging propaganda is being carried on in the Press and on the platform to cast the forms of Government in all the States into one mould. Dead uniformity in human affairs has acquired a virtue unheard of before, and variety seems to have lost all its value in the scheme of things in God's creation. "Trust the Princes" was the declaration made in London when the British Indian leaders themselves approached the Princes to favour the scheme of Federation. What was hinted only as a distant goal by the Simon Commission became a subject of immediate solution by the patriotism of the Princes. It was their genuine co-operation which helped the Round Table Conference to introduce the question of Federation into the arena of practical politics, and the British Prime Minister greatly appreciated the favourable decision of the Princes and congratulated them for it. But after political power was acquired, the declaration of the policy of "Trust" was replaced by a contrary policy of "Mistrust," and it was openly declared that "there was no half-way house for the Indian States between total extinction and grant of full "Responsible Government." An atmosphere unfavourable to the Princes was created throughout the country, and 'Democracy' began to be defined as the desire to destroy one's neighbour. Every unfriendly act towards the Princes is sure to embitter feelings and postpone the chances of the political unity of India. His Highness the Maharaja of Bikanir has made the following important pronouncement regarding the Indian States:—

"The Princes are not tools of the British Government to act in an unpatriotic and dishonourable manner. They are not hatching any conspiracy against the advance of British India towards full Nationhood under the aegis of the British Crown; and they are asking only for a full, effective and true recognition of all the existing rights of the States upon which depend their future preservation and very existence."

3. Provoking utterances of Congress leaders against the Indian States are responsible for a considerable amount of irritation among the Princes. Such utterances also tend to encourage the States' subjects to indulge in subversive activities in the States under the garb of "Truth and Non-violence." A great Congress leader made a sweeping condemnation of the Indian States, and declared that "the backwardness of the States hindered the national progress of British India and that there could be no freedom for India unless the States ceased to be what they were." He might as well have said that there could be no freedom for India unless Afghanistan and China ceased to be what they were. But can it be said to be practical politics?

Provoking utterances of Congress leaders.

4. The distinguished leader does not apparently believe in the internal sovereignty possessed by the Indian States. He stated that "The practice has been for the British power to dominate these States completely, and its slightest gesture is a command to them which they disobey at their peril . . . . . Even if the Rulers of the States were willing, their willingness would not take them far. For the master of their immediate destiny is the Agent of the British Government and they dare not offend him." If so, one wonders why Indian Princes should be attacked and abused and also approached with a demand for immediate "Responsible Government?" Why are they harassed by aggressive 'Satyagraha Jathas" from British India? Why are these "Jathas" not sent directly to Simla or Delhi, if the real offender lives there?

Attacks on Rulers unjustifiable.

5. Again, the Congress leader concedes that the people of the States are backward, are not self-reliant, are not properly organised, and are not "capable of shouldering the burden of their struggle." If, according to his own admission, the requisite conditions do not exist, and if the people are, in his opinion, not competent to shoulder the burden how can "Responsible Government" function properly in the States? How can the present artificial agitation result in the "good of the people" for whose benefit it is stated to be organised?

Backwardness of people in States conceded.

6. It is said that Indian nationalism has become "angry" and "intolerant," being dissatisfied by the slow political progress allowed by the British rulers. Justice

Indian Nationalism and dangers of narrow outlook.

is not self-regarding but makes allowances for the fears, the hesitations, and the lawful interests of others. If justice is to be the foundation of kingdoms, it must also regulate the relations between nations and States; and it is idle to expect that justice, peace and toleration will prevail within a State when they do not regulate the relations between that State and its neighbours. A well-known Minister of a major Congress Province has declared that "the peaceful administration of the country is the guiding star of the Congress Governments established under the inspiring leadership of Mahatma Gandhi," that "unless they were truthful and non-violent in the true Gandhian way they would never reach the goal of national aspirations," and that "love of one's neighbours was the derivative principle of the two doctrines of "Truth and Non-violence," which should be upheld in thought, word and deed in every sphere of life." In his convocation address to the Annamalai University last year, Mr. K. Natarajan dwelt on the ideals of citizenship, making for a higher conception of nationalism, and warned against the danger of "infection of the narrow fanatical nationalism which has made a hell of Europe," and pointed out that "a saner and more wholesome view of nationalism was that all nations were members of one family, that the service of humanity should be the inspiring ideal of each of them, and that co-operation in a spirit of goodwill and not rivalry or conflict for a place in the Sun should be the normal recognised basis of international relations."

Position of Indian States unprecedented. Fallacy of Congress slogan pointed out by Ex-President of Congress.

7. From the point of view of Political Science, the position of the Indian States is unprecedented in history, and the problem of the Indian Princes has perplexed many an astute Statesman and jurist. An experienced Ex-President of the Indian National Congress declared nearly twelve years ago, that in some Indian States constitutional advance was superior to British India in operation, though not in theory and on paper. He also pointed out the fallacy of the Congress slogan of political freedom for the whole of India including the Indian States. The people of India occupied a most anomalous position, and one could not forget that natural India and political India were not quite identical. British India on the one hand included Burma and Aden and did not include Ceylon, while the Indian States necessarily excluded Nepal and Bhutan and the French and Portugese possessions in India. "If then the makers of modern India would, for political unification, have

their country as God made it and gave it to them, then they should exclude Burma and Aden and include not only Ceylon but also French and Portugese India as well as Nepal and Bhutan, which is impossible unless we go to war and conquer. If then we have, of necessity, to confine ourselves to a geographically and ethnologically imperfect India for our political and economic freedom, is it absolutely necessary for us to think of mending and ending the Indian States as part of our programme for achieving our own salvation ? We are decidedly of opinion that it is not. Nay more. Not only is it constitutionally impossible but also the very attempt would be injudicious on our part. On the other hand the declared policy of the Suzerain has, ever since the Mutiny, been one of 'once an Indian State, always an Indian State.' Therefore, the Dominion Home Rule of British India may not interfere with this recognised and long-established imperial policy.'

(The Hindustan Review, January 1927, pages 105, 106.)

Questions about origin of Indian States irrelevant.

8. It is also quite irrelevant to raise questions, as some Congress leaders have been doing, regarding the origin or legitimacy of the Indian States. Some of these are very ancient with title-deeds older than the title-deed of the Mikado of Japan. At any rate, the vast majority of them are not more recent than the State built up by the Honourable East India Company and owe their origin very much to the same causes and circumstances, namely, the decay and dissolution of the Moghul Empire. It is open to doubt whether the origin of the East India Company itself can be said to be legal or constitutional, since the Charter of Queen Elizabeth granting to the Company rights of monopoly to trade with the East Indies is said to have been judicially pronounced illegal, being quite beyond her prerogative power, "she having been deceived into the grant," in the elegant language of the judges.

British Government treated Indian States as equals during the early period.

9. Though the relationship between the States and the British Government can be said to be the outcome of an evolutionary process by means of varying formulas employed and conditions prescribed during successive Treaty-making periods, there can be no doubt that the English East India Company, just like the French also, negotiated treaties with the Princes with full knowledge of their legal rights and all the relevant facts and treated

them as if they were sovereign and independent. During the early period the relations between the contracting parties were those of perfect equals, and were interpreted in accordance with the principles of International Law and Ethics. The joint opinion of the Princes' counsels headed by Sir Leslie Scott., K.C., and Mr. Wilfrid Greene, K.C., (both of whom were elevated to the Bench of the Court of Appeal in 1935) supports the above view. The joint opinion says that "The Indian Princes were originally independent, each possessed full sovereignty and their relationship *inter se* and to the British Power in India was one, which an international lawyer would regard as governed by the rules of International law." In the year 1825 a treaty was concluded with the Vizier of Oudh by Lord Amherst who described him as "His Majesty the King of Oudh." Even Lord Dalhousie, who adhered to the policy of annexation and developed the doctrine of paramountcy, said in regard to the annexation of Oudh, which he deprecated but which the Court of Directors ordered:—"The course proposed by the Court is not warranted by *International Law*. It would be either conquest or usurpation of the power of government by force of arms." About this view the following significant remark is made in the Cambridge History of India, Vol. V, at page 585:—"This argument of International Law would not in these days be raised in connection with the Indian States." Thus the doctrine of independent equal Sovereign States governed by International Law suffered a gradual eclipse.

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10. "Sovereign," in politics, means the person or body of persons in whom the supreme executive and legislative power of a State is vested. A State in which the legislative authority is not trammelled by any foreign power is called a "Sovereign State." Jurists are agreed that the Indian States possess internal Sovereignty. The British Government have recognised it and have also guaranteed the protection of all Treaty rights. Queen Victoria's Proclamation of 1858 guaranteed to the States the measure of Sovereignty which they severally possess in their internal affairs, and this guarantee was repeated in the Royal Proclamation of 8th February 1921 which contained this memorable passage:—

"In my former Proclamation I repeated the assurance given on many occasions by my Royal Predecessors and Myself, of My determination ever to maintain unimpaired the privileges, rights, and

dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

Partition Treaty of 1799 and its importance to Mysore.

11. In this connection it is worthy of note that the Partition Treaty of 1799, concluded after the fall of Seringapatam, has a special significance for Mysore. Under the terms of this Treaty the separate existence of the Mysore State has been guaranteed "*as long as the Sun and Moon shall endure.*" The exact interpretation of this historical clause and its binding character under the law formed the subject matter of an important debate in the British Parliament on 22nd February 1867, which was a memorable day for Mysore. The supporters of the official case, which was unfavourable to Mysore, attempted to explain away the above clause as "a careless oriental phrase" and argued, contrary to the recognised canons of interpretation, that the words "as long as the Sun and Moon endured" did not imply perpetuity and were not legally binding on the British Government. Lord Morley, on the other hand, exposed the fallacy of this argument and rejected the theory of "a careless oriental phrase" having been introduced into the terms of a Solemn Treaty without any intention of literally observing it. He examined the terms of the Treaty and showed that it was the deliberate choice of Lord Wellesly to erect Mysore on political grounds into a State "as long as the Sun and Moon endured" and that Lord Wellesly himself had dictated that clause in the Treaty, and successfully contended that, having guaranteed the separate existence of the Mysore State in perpetuity under a solemn Treaty, the British Government had no legal right to annex the State in violation of such a guarantee. It will thus be seen that the Mysore State stands on firm footing, and that its legal right to exist "as long as the Sun and Moon shall endure" has received recognition at the hands of the British Parliament.

Change in the relationship of the Indian States with the Paramount Power.

12. The relationship of the States with the Paramount Power has undergone a marvellous change since the Mutiny of 1857, and the States have, to use a much quoted phrase, "become in fact part and parcel of the Indian Empire with which their interests are identified and identical." Lord Lytton, in 1877, proposed to include eight of the Princes in a new consultative body, to be called "Counsellors of the Empress."

Present enhanced status of the Indian States.

Lord Curzon suggested the idea of Conference and co-operation, and in 1908 Lord Minto took the Princes

into his confidence by consulting them individually on the question of the growth of sedition in India; and Lord Hardinge, in 1913 and 1914, invited some of the Princes to confer with him at Delhi on an educational matter of special interest to their order. Lord Chelmsford instituted a system of annual conference and widened the field of discussion, and in accordance with the recommendations of the Montagu-Chelmsford Report, His Majesty's Government, in 1920, called into being a permanent Council of Princes, as an advisory and consultative body, under the title of 'Chamber of Princes.' The States were admitted to the wider Councils of the Empire, and a Prince was nominated to represent them on the Imperial War Cabinet and at the Imperial Conference, and also to take part in the Peace Conference of 1919. In order to allay the anxieties of the Princes in regard to their treaty position, the political method and procedure of the Government of India were also revised in certain respects. Several of their important contentions received recognition in the Butler Committee Report, and their delegation to the First Round Table Conference, in November 1930, made an electrifying announcement in favour of Federation within the Empire. In the words of the Prime Minister, "The declaration of the Princes has revolutionised the situation . . . . . has at once not only opened our vision, not only cheered our hearts, not only let us lift up our eyes and see a glowing horizon, but has simplified our duties. The Princes have given a most substantial contribution in opening up the way to a really united federated India." Every one who believes in Federation as a solution for India's problem must pay a tribute of admiration and respect to those Princes who laboured with undaunted patience and great tact to get the picture set upon the canvas. Some of the larger States are progressive and their destinies are being wisely guided by enlightened Rulers who are able in their persons to attract the intense loyalty of their peoples. The Princes are not averse to progress and reform. While there is need for reform in some of the backward States of India, yet there are other States which will make a powerful contribution to the Federation, because they have mastered the art of government and progressed and "will be able to teach lessons to British India," lessons in administration, in the meaning of loyalties, in tolerance, in consideration for the rural areas, in education, in development of industries, in town-planning, and in the co-ordination in the State of

general State activities. While pointing out that a progressive Ruler is a great stabilizing force to check the excesses of democracy, Sir R. K. Shanmukham Chetty, the distinguished Dewan of Cochin, made the following significant remarks:—

"I consider as useless and positively dangerous the recent fashionable talk of certain classes of politicians that the institution of Indian Princes should be abolished and that all the Indian States should be annexed to their respective Provinces. I am beginning to wonder whether, after all, the correct process may not be, in the interests of democracy in India, to split up all the Provinces and hand them over to some Rulers, because I feel that, in a State with the guidance of an impartial and wise Ruler, there is really greater safety for minorities and the various other interests than in a constitution in which democracy runs amuck."

Princes resent outside interference.

13. The Princes hold to assurances which they have received from successive Viceroys that the time, pace, and manner of change are matters in which they are themselves the best judges. They contend that the Provinces of British India have no more right to dictate to the States how they should organize their system of government, than the States have the right to dictate to the British Indian Provinces as to what legislation they should pass and what policy they should adopt.

Congress war against Indian States not justified by any code of political Ethics.

14. The question of "Responsible Government" in Indian States cannot be said to be as important as the question relating to the "Communal Award," which is a negation of democracy and Responsible Government. Mahatma Gandhi emphatically condemned it and declared that it was much better to remain without the so-called "Responsible Government" than to accept the "Communal Award." And yet the Congress ignored his opinion, and adopted the policy of "neutrality" with respect to the Communal Award on the ground of "expediency." Why should not a similar policy be adopted towards the Indian States? If the "Congress is the very antithesis of fascism," as repeatedly declared in the Press and on the platform, on the ground that "it is based on non-violence, pure and undefiled," and that "its sanctions are all moral," it is difficult to justify the Congress war against the States by any code of political ethics. It cannot be said to be morally just as the rule of reason has been dethroned, and the methods adopted by Congress leaders are based on might. Nor is there any substance in the opposition to the federal part

of "the Government of India Act" on the ground of the absence of "Responsible Government" in the States, since the Congress Governments have themselves discarded recognised principles of democracy and adopted undemocratic methods. No amount of democratic fervour can obscure the fact that neither the Hindus nor the Muslims of British India will really allow their respective States to be destroyed, since they regard these ancient polities as strongholds of their respective communities, and it will be disastrous to force the States to play the role of as many Ulsters as there are States in India, out of sheer self-defence. In fact, the Princes have no belief in the virtues claimed for "Responsible Government" which has lost most of its attractions within the last two years. Is it fair or reasonable that British India should force a particular form of Government on the States when that Government in British India itself has not yet demonstrated its full utility? Why should not every State evolve its own form of Government? Is there no place for honest differences of opinion on so momentous a matter? "The Statesman," for whose opinions Mahatma Gandhi has got much regard, pointed out in emphatic terms that "to foist upon the States full "Responsible Government" straightaway would in most cases lead directly to anarchy." (See Leader in the issue of the "Statesman" dated 7th March 1939). The States are important limbs of India. Some of them have been famous centres of culture and civilization, and their contributions in arts, literature, philosophy and science cannot be said to be neligible. Sir S. Radhakrishnan recently assured that he knew that a number of Princes were patriotic Indians and that they would work for the general advancement of India to a higher political status. They are historic institutions with rich traditions. Let there be no animus against the States as such, and let them not be thrown "into the flames" by British India.

Correct legal position of Indian States, as explained by

15. It should not be forgotten that the correct legal position of the Indian States has been explained in unmistakable terms by Mahatma Gandhi himself. He has stated that "legally and politically, every State, small or big, is an independent entity in its relation to the other States and that part of India which is called British." He has also declared that "Indian States are independent entities under the British Law and that British India has

no more power to shape the policy of the States than that of Afghanistan, Ceylon, or French India." To attempt to reverse this wise policy, as some politicians have been persistently doing is, in my opinion, to introduce confusion and wreck the reputation built up by the Mahatma.

British Government also not entitled to coerce the Indian States.

16. While answering a question in the House of Commons on 19th December, 1938, regarding the Congress demand for democratisation of Indian States, Col. J. J. Llewellin, acting Under-Secretary of State for India, stated as follows :—

> "Mr. Gandhi, while here at the Round Table Conference, strongly expressed the view, that we had no right to say to the States what they should do or what they should not do."

This is a significant statement, and it clearly shows that the British Government are not legally entitled to coerce the States in the matter.

Resolution of non-interference in States not honoured in practice.

17. The princes have also no faith in the Congress Resolution of Non-interference in States. The exemption which it created in favour of individual leaders destroyed in practice whatever virtue the resolution possessed in theory. What is wrong, in the sense of not being right or proper, for the whole body must be equally wrong for the individuals composing it; and there is neither legal, equitable nor moral principle to justify the exemption in favour of individuals. If the rule of reason is to govern a body of people, the individuals who form that body cannot be said to be governed by a contrary principle, *viz.*, the rule of force. At any rate, sudden change of principles and policies and the adoption of doubtful methods unknown to law for gaining political power have surely shaken the confidence of the princes.

Ministers asked to disregard statutory limitations and interfere in States.

18. Sometimes, leaders at the top failed to recognise that even political expediency had its own limitations, and openly suggested that Provincial Ministers should go outside the Government of India Act and interfere in States' affairs. The princes were accused of being vassals of the British and were demanded to become the vassals of the Congress. The Congress utterances revealed a disquieting drift towards exaggeration and intolerance, and a large section of the Press in British India went to unreasonable lengths in uncovering the alleged inequities of States' Governments, while

painting an anæmic picture of Praja Mandals. Such a policy is pregnant with grave danger to the Constitution and, if pursued, can only lead to serious strife and disaster.

Speech of the Chancellor of the Chamber of Princes dated 10th June 1939.

19. Let me not be understood as justifying the state of affairs in the backward States. The sooner they introduce necessary reforms to ensure the happiness of the subjects, the safer will be their own position. The Princes themselves are not at all unwilling to recognise the time-spirit. They are not opposed to the legitimate aspirations of their subjects, though they object to outside domination and the introduction of a uniform type of government, irrespective of historical traditions, local conditions, and the political consciousness of the people in the various States. In his speech delivered at Bombay on 10th June, 1939, His Highness the Chancellor of the Chamber of Princes stated that the Princes considered it as a sacred duty to improve their administrations, and that " no false notion of prestige will dissuade them from removing the legitimate grievances of their subjects." The Jam Saheb claimed that the decision with regard to the form and extent of Constitutional Reforms in the States must rest solely with the individual Rulers concerned, and denied the right of any party from outside to dictate to them or coerce them in the matter. He also invited the attention of the Paramount Power to its responsibility in connection with the invasion of the States by subversive elements from British India. It is gratifying to note that the Rulers of some States have already announced constructive administrative Reforms and programmes of beneficent activities for their States, while in some other States, the question of Constitutional Reforms with due regard to local conditions and resources, is receiving the active consideration of their governments.

Speech of His Excellency the Viceroy.

19(A). In his recent speech at Cuttack, His Excellency the Viceroy laid down what appears, in my opinion, to be a self-evident proposition. He stated that,

" Provinces and States are and must always be good neighbours. They have each their own part to play in the progress of India, but the parts must be played in harmony and not in dissonance. The virtues of neighbourliness in the ordinary community life need no defining by me."

The latest advice given by Mahatma Gandhi in this respect, which is based on sound and lofty ideals, is that the Congress should recognise its own limitations, that it should avoid all show of force by coercion, that its only capital should be its moral authority, and that any other position would lead to internecine feud and bloodshed. It will thus be seen that both His Excellency the Viceroy and Mahatma Gandhi have declared that forbearance towards neighbours is a virtue. Both law and morality demand its recognition, and it is imperative in the interests of peace and political unity of India that the policy of non-intervention should be strictly observed by the Congress

No authority to demand uniformity of internal administration in States. Opinion of German jurists to the contrary.

20. From a constitutional point of view there is no force in the Congress contention for a sealed pattern of "Responsible Government" for all the Indian States on the exact model of the British Indian Provinces. Nor is there any authority to impose a uniform type of internal constitution on all the federating units in India. Such a theory is opposed to the lessons of history, since the heterogeneous character of the units has been found to be no obstacle at all to their federal association. Until the year 1918 the two States of Meeklinburg in Germany had a monarchical constitution, looked upon as very antiquated. The towns of Hamburg, Brumen and Lubeck were Free City Republics and all the other States were monarchical in character. Nevertheless all the German States, however much their constitutions differed from one another, were received into the German Federal State and were enabled to retain their constitutions during the existence of the Empire from 1867 to 1918, without hindering thereby in any way the work of co-operation. For the formation of a Federal State it is necessary and sufficient according to Dr. Viktor Bruns (Professor of Law in the University of Berlin) and Dr. Carl Bilfinger (Professor of Law in the University of Hall), that the units possess governments capable of guaranteeing their carrying out in their own territory, as agents of the Central Government, the laws and decisions of the said Government. Such guarantee is not dependent on similarity of organisation or on the form of responsibility obtaining in the units. Moreover, it is not within the power of a legislator to create the social, religious, economic and political conditions of a country. These are matters of historical development.

He is faced with them as facts, and he must adapt the constitution to them with the aim of adjusting inconsistent factors in such a way that they can be utilised for the common good.

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21. His Highness the Gaekwar of Baroda considered this subject to be a live political issue at the Round Table Conference, and pleaded for the conception of a United India wherein British India would as partners co-operate for the common welfare of India as a whole, while each unit would retain its individuality and its right to develop in accordance with its own particular genius. His Highness also added the following pregnant remarks in the course of the discussion :—

> "We shall have, in other words, unity without uniformity, a prime requisite of true federation. It is my deliberate conviction that to strain after uniformity in the federal structure would be a mistaken policy. There should be perfect freedom given to each unit to develop along its own peculiar lines. Healthy and friendly rivalry is beneficial to the State as to the individual. Thus alone hitherto have many fruitful ideas been fostered in the Indian States..... Forms of Government undoubtedly possess importance, but they are merely a means to an end. The importance to be attached to them, therefore, must be estimated according to the extent to which they conduce to the end in view, which should be the happiness, the contentment, and the prosperity of the people."

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22. Again, Prof. J. H. Morgan, K.C., is emphatically of opinion that such uniformity is not at all essential for Federation in India. He says that, "It is a complete mistake to suppose that uniformity of constitutions among the constituent units of a Federation is essential to its success. There is no such uniformity in the Swiss Federation, or the Australian, or the Canadian. Why then in India ?"

The fascination of India and, indeed, her greatest contribution to civilization, has been her infinite variety, variety of creed, of law, of philosophy, of language, of race, and even of costume. No sane man wishes to see India stamping out as with a Steam-roller all this rich variety.

Why should the constitutional life of India be any less rich in variety than all these forms of her social life, of which constitutional life is the expression ? What may

suit the Province of Bombay may not suit the State of Mysore. What may suit the State of Baroda may not suit equally the State of Jamnagar.

As "The London Times" recently observed in an extremely sagacious leading article, "it would be a curse, not a blessing, to India to be delivered to ideologies" of this kind which would put her in as tight a straight-jacket of political forms as a totalitarian State. The result would be not political expansion but political suffocation."

Some accepted conclusion in Politic Science.

23. Prof. J. A. Hawgood, who is the author of a recent book on "Modern Constitutions" (Macmillan, 1939), which is perhaps the latest work on modern forms of Government, emphasises some accepted conclusions in political science as follows :—"The true value of a political contrivance lies in its adaptation to the temper and circumstances of the people for whom it is designed. No one type of ideal State could suit all conditions of people and all environments." For the above reasons, the Congress theory of uniformity of internal administration in all the federating units must be held to be untenable.

CHAPTER II.

System of 'Responsible Government.'

Section A—'Responsible Government' and its recognised pre-requisites.

Respon-sible Govern-ment in British India—a copy of t British model.

24. The question of 'Responsible Government' may now be examined on its own merits. The system of 'Responsible Government' introduced into the British Indian Provinces under the Government of India Act, 1935, is not a complete copy of the British model. According to the Joint Parliamentary Committee, this 'Responsible Government' is a form of government in which "the executive is in some sense accountable to the legislature." The copy has to be understood in the light of the implications of the original on which it is based. But the much admired English constitution, unlike the constitutions of France, Belgium, or the United States, is an "unwritten" constitution. There is no enactment

which purports to contain the articles of the constitution, and English teachers on constitutional law experience special difficulties in expounding its provisions. Edmund Burke's advice with regard to the English Constitution is :—

"We ought to understand it according to our measure ; and to venerate where we are not able to comprehend it."

Difficulties and application of the British Constitution on which it is based.

25. With respect to the oft quoted maxim, that "The English constitution had not been made but had grown," Prof. Dicey observes :—

"It was the fruit not of abstract theory but of that instinct, which has enabled Englishmen, and especially uncivilised Englishmen to build up sound and lasting institutions, much as bees construct a honeycomb, without undergoing the degradation of understanding the principles on which they raise a fabric..... .....No precise date could be named as the day of its birth ; no definite body of persons could claim to be its creators, no one could point to the document which contained its clauses ; it (the English constitution) was in short a thing by itself, which Englishmen and foreigners alike should venerate, where they are not able to comprehend." Dicey's "Law of the Constitution," p. 3.

Difficult for other nations to work it. Prof. H. Laski's opinion.

26. Experience has shown that it is difficult for other nations to work the Parliamentary system based on the British model, and its imitation is not altogether a success. Prof. Harold Laski says that the British system of Parliamentary Government is the result of "a marriage between capitalism and democracy," and that "the capitalism is more important than the democracy because the relations of property that it imposes gives to the democracy its constitutive principle." According to him, "the British Constitution was an instrument for men who were agreed about the way of life the English State should impose. It was nourished by the immense economic success of the system upon which it was founded. The England that became the workshop of the world, the England that could achieve priority over all other nations in access to the world markets, could afford to pay the price of all compromises it involved. That explains the liberty, the tolerance and the social peace that Englishmen have enjoyed..... .... Though its success conferred upon it (the British system) a prestige which caused it to be imitated all over the world,

it has rarely been imitated successfully over any length of time. That is because, among most nations in which it has been tried, the economic foundations of success were wanting." Parliamentary Government in England by Prof. H. Laski (1939), pp. 68-69.

Pre-requisites of "Responsible Government" according to Prof. H. Laski.

27. It is agreed both in England and India that certain pre-requisites should exist for successfully working Parliamentary or Responsible Government. On this subject Prof. Harold Laski has expressed the following opinion :—

"The 'pre-requisites,' as Bagehot called them, of successful representative Government are, indeed, both manifold and complex. It requires something more than intelligence and virtue. It presupposes a body of citizens who are fundamentally at one upon all the major objects of Governmental activity. It requires, in the second place, a sense in the nation that no single class of any importance in the community is permanently excluded from power. A third condition is that it should be built upon widely diffused habits of tolerance throughout the nation. Men who are to live together peacefully must be able to argue together peacefully. They must not run to suppress criticism of things as they are; rather, they must be willing, if pressed, to invite its examination. They must refrain from pressing upon a significant minority principles of legislation by which the latter is outraged. Without this tolerance there is no prospect in the society of compromise; and every subject of division then becomes a high-road to disruption." (p. 14-15).

Dangerous to introduce it when the country is unprepared.

28. Constitutional writers are of opinion that it is dangerous to introduce Parliamentary Government when the country is unprepared for it, and the requisite conditions are absent. Sir John Marriot in his recent work on "The English Constitution" (1938) says that, "In the art of Politics, there is nothing so fatal as premature development. The Fascist dictatorship is the penalty which Italy had to pay for the adoption of Parliamentary Democracy before the social conditions and political education of Italy justified the experiment and offered some guarantee of its success." He also says, that "even Britain whose political development during the nineteenth century is deemed by keen observers to be precocious—even this home of democracy—had to pay the price of a pre-mature extension of the powers of Parliament under the Lancastrian Kings in the shape of centuries of lawlessness, dictatorship and oligarchy."

These pre-requisites are enunciated in the form of 'four essential factors' by the Joint Parliamentary Committee.

29. The pre-requisites of Parliamentary Government laid down by Prof. H. Laski have been enunciated by the Joint Parliamentary Committee in the form of "four essential factors" by the interaction of which "Responsible Government" works. The said committe has held that none of these factors could be deemed to exist in India, and I am of opinion that these essential pre-requisites do not exist in Mysore also. When they may come into existence in Mysore, in what form and to what extent can only be matters of conjecture, and nobody can claim to make a correct forecast of the future conditions of a country.

Section B—Working of "Responsible Government in British India."

Reasons for an impartial examination of the working of Responsible Government in the British Indian Provinces.

30. What is the nature of the system of "Responsible Government" introduced into the British Indian Provinces, and how is it working since two years and three months? There is supreme need, as pointed out by Sir Mirza Ismail, the talented Dewan of Mysore, in October 1937 (paragraph 97), for a detailed and impartial examination of the working of "Responsible Government" in the Congress Provinces, since the commencement of the agitation for "Responsible Government" in Mysore coincided with the inauguration of Provincial Autonomy in British India. We have arrived at the finding that this recent agitation in Mysore is an "induced phenomenon" and is not entirely the result of an indigenous growth, and we further hold that political opinion in Mysore is influenced, "for good or otherwise," by its appreciation of the working of the scheme in the adjacent provinces (paragraph 115). But, in spite of these findings, my colleagues have not chosen to make a comprehensive examination of the question and have somehow confined their remarks to "only one or two considerations." I therefore deemed it desirable to go more fully into this important question, and its various aspects have been discussed in this section, in paragraphs 30-50. It must be remembered that we are entrusted with a grave task. The welfare and happiness of six and half millions of people are in issue, and we cannot ignore, for the sake of popular applause, the important happenings across the border and their repercussions which really form part of the constitutional history of British India. In my

opinion, nothing should deter us from fearlessly discharging our duty. We are concerned with principles and not with personalities, and we mean no offence to anybody.

The British Government, with the best of intentions, is making a great political experiment in India. They know that "a technique which the British people have painfully developed in the course of many generations is not to be acquired by other communities in the twinkling of an eye," and that "the mere copyist of British institutions would fall into more dangerous errors to-day if he were to assume that an Act of Parliament can establish similar institutions in India, merely by reproducing such provisions as are to be found in the constitutional law of Great Britain." They contrast the British conception of Parliamentary Government with the facts of Indian life and hold, that none of the factors essential for the working of Parliamentary Government can be said to exist in India to-day. Thus, with full knowledge of the absence of all requisite conditions necessary for the proper working of Parliamentary Government, they have designed under the scheme of Provincial Autonomy "some form of Responsible Government," *i.e.*, Government through ministers responsible to an elected legislature and through them to the electorate, subject to safeguards, as a sort of trial. In his Massey Lecture delivered in Toronto, Lord Irwin (now Lord Halifax) said that democracy, or an approach to it, involves in India delicate questions of franchise of quite peculiar difficulty, and rests ultimately upon a postulate of the value of personality which is largely exotic to Indian thought, and stated that, as the British Government had no other practical alternative, they decided to face the formidable difficulties in the path of the development of democratic government in India and to make an experiment of Parliamentary Government subject to safeguards. ("Political India" by Sir John Cumming, p. 7). While pointing out that the Indians themselves have to create the conditions necessary for Responsible Government," the Joint Parliamentary Committee observe that, "It is impossible to predict whether, or how soon, a new sense of provincial citizenship, combined with the growth of parties representing divergent economic and social policies, may prove strong enough to absorb and obliterate the religious and racial cleavages which dominate Indian political life."

Good work of the Gongress Governments.

31. There can be no doubt that the Congress Governments have introduced several measures for the amelioration of the condition of the masses and that Congress Ministries have gained some valuable experience in the art of government. The Congress possesses an enormous capacity for organisation and has taught people how to organise. From this point of view the Congress movement has made one of the greatest contributions to the moral and political regeneration of the country. So far as Mahatma Gandhi is concerned, he has given to Indians, both in and outside the Congress, a new spirit of self-reliance and self-respect and has thereby, more than any single Indian of his time, contributed to the growth of true nationhood. Many patriotic leaders are honestly endeavouring, under the inspired guidance of Mahatma Gandhi, to work the scheme of Provincial Autonomy to the best possible advantage, and the Governors and Civil Servants are showing commendable restraint and co-operation. But what are the methods adopted in working the constitutional machinery in the Congress Provinces? Is it really democracy that is working in the said Provinces? Have the conditions necessary for 'Responsible Government' been created? Has a sense of political unity been displayed, or a sense of responsibility approaching the British technique developed? Is there a growth of the party system in the English sense, or an obliteration of religious or racial cleavages? On some of these questions I stated before the Committee on 17th January 1939, as follows:—

Criticism referred to on 17th January 1939.

"Apart from the lack of stability and distinct deterioration, the repeated criticism urged against the working of the Congress governments is based on the grounds (1) that the Congress Executive Committees are opposed to recognised principles of democracy; (2) that the said Committees neutralise the sovereignty of the legislatures; (3) that the party system and its discipline, which are vital conditions for the success of Parliamentary Government are non-existent; (4) that the absence of an effective opposition takes away the wholesome restraint so much necessary to curb the autocratic impulses of a single party executive; and (5) that the Treasury Benches are intolerant and dictatorial in their dealings with the opposition."

Subsequent happenings.

32. Subsequent happenings have, unfortunately, not only corroborated the correctness of the above observations

but also revealed the breaking-down of the machinery in many directions, the existence of difficulties unthought of by the party when in opposition, difficulties that have proved more intractable than the Party's leaders had ever hoped. Speaking at the District Political Conference at Maitha near Cawnpur in April 1939, Pandit Jawaharlal Nehru declared that many persons had joined the Congress for selfish ends, and that squabbles among Congressmen were not confined to the rank and file, but also extended to the higher strata of the organisation. In the month of May 1939, Sardar Vallabhai Patel stated at Benares and Brindaban that there was corruption in the Congress organisation, that violence had increased in the country, both in British India and the Indian States, that Hindu-Muslim riots were occurring everywhere, that the Congress was weakening and seemed to be losing influence, that dissensions had crept in even on petty matters, that the Congress was a house divided against itself and there was need for unity among all sections, that there was indiscipline even among prominent Congressmen, that the most tragic feature of the situation was that they had chosen to fight with each other, and that if such a state of affairs continued they shall have to confess failure and abdicate. Even Dr. Rabindranath Tagore sent a message to Babu Rajendra Prasad on 5th May 1939 stating that symptoms of disruption had manifested themselves in the Congress and hoping that peace and unity would be brought into "an atmosphere of mistrust and chaos." A few days ago the poet observed, while Pandit Nehru was leaving for China: "India herself is passing through an eclipse when her own reality is lost to her in the haze of parochial politics, sectarianism and domestic contention." While commenting on indiscipline and corruption, and complaining of the disappearance of the spirit of service and sacrifice from the Congress ranks and the absence of single-minded devotion to the cause of India's freedom, Mahatma Gandhi declared: "Out of the present condition of Congress I see nothing but anarchy and red ruin in front of the country." Again, writing to the "Harijan" in July, 1939, he referred to the dissensions among the Congressmen themselves and the use of forcible methods by the Congress Ministers within the Provinces under their charge. On the question of non-violence, he observed that Congressmen never had non-violence in their hearts, that non-violence was a method

of conversion and never a method of coercion, that they had failed to convert the Princes and the English administrators, and that the Congressmen have to convert themselves before the Paramount Power and the Princes can be expected to act justly. He warned that if any mass movement was undertaken at the present moment in the name of non-violence, "it would resolve itself into violence, bring discredit on the Congress, spell disaster for the Congress struggle for independence, and bring ruin to many a home." As regards the people of the States, the Mahatma stated that "the demoralisation showed that there was not non-violence in thought and word, and that when the intoxication and excitement of jail-going and the accompanying demonstrations ceased they thought that the struggle was over."

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33. Every close student of Indian politics is seeing the growth of opposition throughout the country. The taxation policies of the Congress Governments and the products of hasty social legislation, which do not bear the impress of all parties as in England, have created wide discontentment. No less a personality than Sir Tej Bahadur Sapru warned the United Provinces Government that "they were estranging those without whose support they would have gone to pieces, and that if they proceeded along the same lines, the Provinces would be in the grip of grave dangers." There is not only a growing distrust of the dominant party by the minorities, but also unmistakable evidence of dictatorial inclinations in the majority party. A democracy cannot claim to be omnipotent and omnicompetent. "In its own interests, democracy must set limits to its competence and its power. A majority has the power but not the right to do as it pleases." But strangely enough, a contrary proposition is reported to have been laid down by the Prime Minister of a Congress Province stating that the majority resemble the gods and are bound by no restraints and can do what they please.

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34. The working of Provincial Autonomy from two years has brought the question of the relations between the Government and party organisations to the forefront, and on its right solution may hang the fate of democracy in India. The Parliamentary Board, under whose control the Congress Governments are functioning, cannot be said to be a democratic body since the newly franchised

electorate has not taken any part in its formation. There is no objection for such a National Executive to review the policy of the various governments. But the difficulty arises when it tries to run the administration and obviously trenches upon matters which should be left alone to the governments in power. This procedure undermined the prestige of one or two Provincial Governments. It created the unusual spectacle of two Committees of Enquiries on the Bannu raid, one set up by the Provincial Government of the North West Frontier Provinces and another by the National Executive of the party. It led to the formation of schemes on Education and Industries, as the result of a party conclave, though they were matters of all-India importance requiring the advice and co-operation of all Provincial Governments, including non-Congress Governments. The work undertaken by the Parliamentary Board, *viz.*, that of supervising, guiding in detail and co-ordinating the administration in all the Congress Provinces has perhaps proved too heavy a burden, since it is clear from diametrically opposite policies being followed by some governments on matters of great importance. For instance, the Government of one province assists in the repeal of the much criticised Criminal Law Amendment Act, while the Government of another province finds justification for it and goes on merrily making daily use of it.

Further criticism against Congress.

35. It was alleged that "delegates were canvassed, cajoled, pressed, influenced and whipped by leaders to vote for a particular resolution, thus destroying the spirit of a democratic institution," and suggestions were even made to suspend the Congress Constitution and to entrust the exercise of its functions to a single person. A liberal and tolerant outlook is an essential characteristic of democracy, though its preservation has become a matter of uncertainty, and totalitarian instincts may succeed in killing a democracy without creating a United State. If so, is it not a distressing feature that the movement which has for its declared object the removal of political subjection should demand, as a preliminary, the subjection of individual judgment and the renunciation of all initiative on the part, not only of the rank and file, but even of Ministers in whom is vested the responsibility for direction? Criticism has been made that the Congress exhibited a tendency to make the enjoyment of full rights

of citizenship conditional to the acceptance of the Congress creed, that the establishment of High Command marked a departure from the sound principles of representative government and struck at the very root of the system of Cabinet Government and deprived the Ministers of opportunities of associating themselves with the opposition and the minorities and of meeting their demand, that those who differ have an equal right for protection by the State and for a fair share and effective control in the machinery of the Government, and that unless this was done harmonious and efficient government in the provinces was impossible. A Congress Minister candidly remarked that democracy was drifting into dictatorship and that towns were wavering in their loyalty to the Congress party. Is not such a phenomenon significant of a growing unrest at the Government's divorce from realities, a divorce arising largely from the adoption of dictatorial methods ?

Deterioration.

36. Impartial observers must agree in Mahatma Gandhi's frank analysis of the political situation that there has been an all-round deterioration in relations alike between the States and British India, between orthodox Congressmen and rival groups within that body, and between the major communities in the country. Sir Sikander Hayath Khan, the Prime Minister of the Punjab, who cannot be accused of being a communalist in the ordinary sense of the term, who has willingly conceded to the Hindus, Sikhs, Christians, and Scheduled castes weightage to the fullest possible extent in the services, whose ministerial colleagues include men of all communities, and whose views are entitled to serious consideration not only by the Congress but by all those who have the welfare of India at heart, is of the opinion that the atmosphere in the country is surcharged with suspicion and mistrust. He says that communal strife and bitterness are rampant in various parts of India, that there is a feeling of insecurity among the minorities who are seriously apprehensive of the future, and that the relations between the British Indian units and the Indian States are not at all happy. Competent observers believe that recent Congress activities in the States have not only alarmed the Muslims but have frightened the Indian Princes, that both these see in the Congress activities a desire not to co-operate but to dominate, and that this is

a disquieting feature which has prominently come into relief in recent months. The Punjab Prime Minister remarks that the experience in the provinces during the past two years has shown that some of the basic principles incorporated in the new constitution after protracted deliberations are almost completely inoperative, that the so-called " safeguards " on the importance of which much stress was laid by the framers of the Government of India Act, have either been circumvented or proved ineffective in actual working, that the ideology and the tactics of the dictators in Europe are being imbibed by some influential Congress leaders, and that it is a great misfortune that the Congress Executvie should have consciously or unconsciously discarded the ideals of democracy and service for the glamourous but dangerous precepts and methods which otherwise they are never tired of denouncing in their public statements.

Totalitarianism.

37. This survey of the situation may perhaps seem to be rather discouraging. But it must not be forgotten that Mahatma Gandhi himself is pessimistic, and the conclusions are inescapable if hard realities are not to be ignored. Recent history in Europe showed that when a minority felt aggrieved there lay the greatest danger to the peace of the country. It has become usual for some Congress leaders to declare that there is no place for any politician in India except within the Congress party and thus to claim a monopoly of all the patriotism that exists in the country. Such a claim is always disputed, and it ignores one of the recognised pre-requisites of " Responsible Government." Allegations of totalitarianism against the Congress are being made not by minorities alone, but also by men of the stamp of the Hon. Mr. P. N. Sapru. No less a person than the Rt. Hon'ble Mr. V. S. Srinivasa Sastry pointed out how the Prime Minister of a Provincial Government had openly admitted that he had brought a recent Bill "regardless of law ; regardless of form, regardless of regularity and regardless of those ordinary restraints that bound those who handled public affairs," and, further added " we are here not to achieve a triumph for the day but to achieve a triumph that will last, and to achieve it in ways and by measures that would stand the test of public scrutiny and public criticism." "The end justifies the means," is a dangerous western conception. It is based on the theory that service to the nation excuses all moral

shortcomings. But, as pointed out by Sir S. Radhakrishnan, such a theory cannot be said to be compatible with high political morals, and what is morally wrong cannot be politically right. Emphasis is laid on the means and methods adopted by Government in a democracy, and it is this feature which distinguishes it from other forms of Government. The Spalding Professor also testifies to the existence of an increasing feeling that the Congress leaders do not brook opposition, were impatient of criticism, and were intoxicated with political power. Though he does not justify this impression, he declares that such a feeling does exist in the country and that it was one of the powerful factors that determined the last Presidential election.

Testimony of Pandit Jawaharlal Nehru.

38. Pandit Jawaharlal Nehru himself was not at all happy about the Congress ministries and the conditions that existed in the country to-day. According to him they did not recognise that the Congress was a democratic institution, which must function in a democratic way, and in which the will of the majority must prevail and the minority should bow to that decision. They got wrapped up in small problems and forgot bigger ones and became more and more entangled in petty things. The existing conditions could not last very long, and the want of equilibrium and the number of problems unsolved were dangerous things. He examined the credit side and the debit side after office acceptance and struck a balance sheet, and the result cannot be said to be in favour of the Congress. He admits that there have been within the Congress a growing spirit of dissension and a growing spirit of hostility and distrust, and that if these are allowed to grow, the Congress cannot function efficiently. He thinks that democracy without self-control and restraint "turns into anarchy." This picture, based on the Pandit's experience of the working of "Responsible Government" in the Congress Provinces from two years, cannot be said to be encouraging; and it has become increasingly clear that the first two essential factors considered by the Joint Parliamentary Committee to be necessary for 'Responsible Government,' *viz.*, the principle of majority rule and the willingness of the minority to accept the decisions of the majority, are absent in the Congress Governments.

39. One of the Congress Ministers recently deplored the adoption of undemocratic methods by opposition leaders in their attacks against the Congress Government. He declared that the opponents were doing in the name of democracy many things that do not add dignity or prestige to the future of democracy in this country. While condemning their conduct, he states that there was no Bill brought in by the Government which was not suspected of ulterior motives, and which was not followed by a walk-out or a black-flag demonstration. The Minister also observed that the opponents had openly stated that the people had no confidence in the Government and that they were tired of it and its legislation, and asked whether such a state of affairs can be said to be real democracy. There can be only one answer to this question, and that is, that it is certainly not democracy as understood in England, or as understood by those who are trying the experiment of "Responsible Government" in British India. The above facts go to prove in a convincing manner that the majority in power is unable to command the confidence of the minority, and that the latter is unwilling to submit to the majority rule. This shows that one of the essential pre-requisites for "Responsible Government" does not exist in the country.

Lack of confidence in Government.

40. Again, the Minister accuses the Opposition leaders of not properly realising their responsibilities, and warns them to maintain discipline among their followers and "not to do or express things likely to lead to a disorder or breach of the peace." He points out how people in England carry on democracy from success to success, and how well they conduct themselves either within or outside the Parliament, and asks whether the Opposition leaders were following the ways of Englishmen. Lastly, he says that effective measures must be taken "to stop the communal virus that is being injected into the very vitals of our society." If the accusation is well founded, it affords further proof to show—what has been apparent to many thoughtful people in India—that the British system of Government is difficult to be worked by other nations, unless they possess the essential pre-requisites necessary to work such a system. A proper sense of responsibility for one's acts and for those of one's followers is an attribute of character which cannot be put on as a garment at one's own will, and it can only be

Sense of Responsibility.

acquired as the result of political training and experience. That sense of responsibility which can be said to approach the British technique has not been developed by most of the Indians, and communal feeling has not at all been obliterated as anticipated by the authors of the Joint Parliamentary Committee Report. On the other hand, opinion is gaining ground that it has increased rather than diminished under the system of "Responsible Government."

Respect for law.

41. The Minister's warning to Opposition leaders to maintain discipline among their followers, and not to say or do anything which is likely to lead to a disorder or a breach of the peace involves a serious charge. Disorder is deplorable in any sphere. Respect for law and for the rights and feelings of others is the most vital principle of democracy and of every system of 'Responsible Government.' As pointed out by *Diwan Bahadur* Sir T. V. Acharya, "Responsible Government" based on the English pattern cannot be successfully worked without the spirit of ready obedience to law. He remarked that "many leading Indian politicians claimed that the democratic spirit was so natural to the Indian genius that there was no fear of an authoritarian regime ever taking root in this country. Sir T. V. Acharya wished that he could share this confidence. Totalitarian ideas were in the air and Indians had to organise their defences against those ideas. Party conflicts carried to extreme lengths, a wide-spread disregard for law. One of the most valuable functions which the teaching profession could discharge was to implant in the minds of young Indians the democratic habit of obeying laws which their own countrymen had made, and which their own countrymen were charged with the duty of enforcing.

Legality of English habits and the supremacy of law.

42. Foreign observers have expressed great admiration and astonishment at the legality of English habits and feeling. Because, under the English system the law is supreme, greater than the King, and according to Sir Edward Coke, greater even than the Parliament. The law, according to Lord Justice Slesser, requires not only law-givers, but also law-keepers, and the law-keeper is more important than the law-giver. The instinct and tradition of keeping the law is ingrained in the Englishman.

He keeps the law not because it is the edict of an Emperor, or even because he likes it or understands it, but just because it is the law of the land as the judges and lawyers declare it to be. Nothing is more characteristic of English public and private life than this implicit and unquestioned recognition of the supremacy of law. The general strike in England developed a most serious situation in 1926. But when a great lawyer, Sir John Simon, pointed out that under the law of England a general strike was illegal, the whole nation implicitly accepted the verdict and the country was saved from a great crisis. Again, the world recently witnessed the most extraordinary spectacle of a King renouncing his throne and kingdom, which belonged to him by birthright, and passing into private life, without bloodshed, without an angry word, and without the least dislocation of the nation's normal life. The abdication was made under the forms and procedure prescribed by law, and the King proceeded to the continent as if he was going there to enjoy a holiday. Such an unprecedented situation in any other country would have convulsed the whole nation, and perhaps led to civil war with disastrous consequences to the country. And it must be said, to the everlasting credit of the British nation and their noble King that they cheerfully honoured the law and the constitution though confronted with a very difficult situation. The quiet and peaceful manner in which they solved the delicate problem, is truly characteristic of the British temperament and legal tradition.

Communal feeling.

43. Whether in British India or in the Indian States, political advance largely depends upon the success with which communalism and all the other factors which make for discord are eliminated. The Hon'ble Mr. V. S. Srinivasa Sastry once remarked that all the world over to day, the comment that is made upon Indian public life is that we are our own worst enemies, and that the highest political aims of the Indian National Congress or any other political body are within our reach, the moment we overcome our weakness for which we are ourselves largely responsible. In the opinion of Dr. Arundale, a reconciliation between the Hindus and the Muslims was more important and urgent than anything else, including the question of the Indian States. While deploring the revival of communal differences between

Hindus and Muslims, Lt. Col. Sir Hassan Suhrawardy, ex-Vice-Chancellor of the Calcutta University, observed in his convocation Address before the Mysore University that nothing depressed him more than the phenomenon of educated men, who had won high distinctions, subordinating all their learning and culture to gaining applause or cheap popularity, having in their minds only the interests of their own community. The All-India Muslim League passed a unanimous resolution advocating direct action by Muslims, who, it was alleged, were oppressed in three Provinces governed by the Congress, *viz.*, Bihar, United Provinces, and the Central Provinces. Sir Shanmukham Chetty thinks that the existence of communal differences is a factor to be considered by every true Indian patriot and it is evident that according to western standards of political philosophy the communal claims are the very antithesis of Democracy. After having given serious thought to the study of the communal question as an integral problem of our political evolution during the last 18 years of his public life, he says that he has come to the conclusion that it is only when you get the courage to face the inevitability of this problem in the existing social order that you can make any political advance in India, that it is not merely a religious problem, that it exists even in communities which are bound together by the same religion and that it is no use saying that the communal problem has no place in our political life, that the communal problem in India is really a problem for sharing political power and that we need not deplore the existence of such a problem, and that if this problem is solved and the communities which have apprehensions are satisfied, then you will have laid the foundation for healthy political institutions in the country. This is, in my opinion, a correct analysis of the situation and I beg to commend Sir Shanmukham Chetty's suggestions for the serious consideration of all constitution-makers. It is a difficult problem, but so long as it is left unsolved, it is impossible to expect harmony and real progress in India. It will thus be seen that the inevitable existence of communal cleavage is a positive proof of the non-existence in India of the very first pre-requisite of Responsible Government laid down by Prof. H. Laski, *viz.*, a body of citizens who are fundamentally at one upon all the major objects of governmental activity. Without fundamental unity there can be no representative democracy, according to Bagehot.

Violence Enquiry Committee Report.

44. As an instance of corruption, deterioration and breakdown of the Congress Government, reference may be made to the report of the Violence Enquiry Committee appointed by the Executive of the Bihar Provincial Congress. According to the findings of this Committee, there are very few people who have genuine faith in non-violence, that acceptance of office by the Congress brought "great temptations" in the way of Congressmen and attracted opportunists and political adventurers, that it demoralised even old Congressmen who wanted rewards for past sacrifices and claimed a share in the spoils, that Khaddar became a qualification for its wearer to secure jobs, that the spirit of service and sacrifice was replaced by a desire to capture the Congress organisation for other ends, that enrolment of bogus members for retaining and grabbing power became rampant, that heads were broken, riotous mobs were led to the polling stations where lathis and arms were collected, ballot boxes were removed and paper destroyed in fighting elections, and that responsible officials of Congress were not free from such practices. There can be no doubt that corruption shatters confidence, destroys efficieney, and leads to decay.

Intolerance of criticism.

45. The disorderly scenes which occurred at the Baradari Hall at Lucknow in March 1939, are indicative of a growing spirit of intolerance and denial of the rights of free speech. The meeting had been called by a number of public men including Sir Tej Bahadur Sapru, the Nawab of Chatari and Sir T. P. Srivastava to register a protest against the taxation measures of the U. P. Government. This was a perfectly legitimate object and there was no reason for anybody to be offended by the expression of their opinions on such a public question. Yet the meeting had to be abandoned because a number of Congress supporters first invaded it, after they had been ejected by force, staged a violent demonstration outside the hall, again made their way inside, and took possession of the rostrum. In the course of a statement Sir T. P. Srivastava, who received some injuries at the disturbance, characterised the incident as a pre-meditated and unprovoked attack upon him. All this lawlessness was done in the name of "non-violence," and it shows that the technique of non-violence is neither understood nor practicable in the face of excitement. A prominent Congress leader recently issued a lengthy statement in

which he declared that a wave of intolerance was sweeping over the higher ranks of the Congress leadership, that the slightest criticism of their actions threw them into a rage and that the whole machinery of propaganda in their hands was at once put into operation and the ordinary Congressman terrorised into silence. Sir Syed Raza Ali has given an account of his own experience in Delhi. Having been asked to attend and speak at a meeting, called to enlist sympathy with Indians in South Africa, he was shouted down by a hostile section of the audience because he was a Muslim, and Muslim-ruled Hyderabad was arresting Hindu demonstrators. He had been specially invited to speak, and was moreover, very well qualified to speak on the subject, and the behaviour of the crowd was quite unpardonable. To Muslims such a demonstration appears as one more instance of the intolerance of the majority community. Sir Raza Ali denounced it as such, and considered it to be a safe index of what was in store for Indians when Responsible Government was introduced into this country. He called on Muslims to consider whether they should not oppose tooth and nail any so-called democratic system, based merely on the counting of heads. "Intolerance, discourtesy and harshness are not only against Congress discipline, but they are taboo in all good society and are surely contrary to the spirit of democracy," was the opinion expressed by Mahatma Gandhi, alluding to the hostile demonstrations in the Central Provinces Assembly against Mr. E. Raghavendra Rao, the ex-Premier. Unfortunately, the virtues of the above formula are ignored in practice by congressmen. The overwhelming majority is stated to have demoralised the party in power and made it intolerant of criticism, and there is a growing spirit of intolerance by Congressmen against every hostile criticism. And hence the third important condition laid down by Prof. H. Laski, *viz.*, that Responsible Government should be built upon widely diffused habits of tolerance throughout the nation, is non-existent in India.

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46. In the democracies of the west, well-disciplined parties are organised on the basis of political and economic ideals, and without such a party system Parliamentary Government cannot be successfully worked. In the west, religion is only an individual's private affair. But in India, religion is everything and a man thinks in terms of his religion. In India, economic ideals have not yet taken

root to the extent of supplying a basis of popular organisations, and political ideals have up till now been very timidly defined. The Party System, as understood in England, does not exist in India where we have the unfortunate spectacle of the political groups being held together by no other bond than the religion into which their members were born. Hence the growth of political consciousness is slow, and political ideals have not been exalted or properly appreciated. Impartial observers are emphatically of opinion that the conditions in India are not favourable for the formation of parties as understood in England, and that democracy has no chances of establishing itself firmly on the soil of India. Democracy thrives on opposition, and it is indispensable to keep a democracy genuinely democratic. In the absence of a well-organised opposition—which is a vital necessity to the healthy growth of "Responsible Government"—unassailable power in any political party, however well intentioned, is apt to degenerate into dictatorship. Col. Muirhead, Under-Secretary of State for India, has stated that the Opposition was practically "impotent" in almost every place he visited in India, that the Opposition leaders never expected to constitute a government of their own and thought themselves "doomed for ever to exclusion from political power," and that it was neither of the essence nor the experience of democracies that the relative positions of majorities and minorities should be permanent. It will thus be seen that the party system has so far failed in India, and that the second important pre-requisite of 'Responsible Government' laid down by Prof. H. Laski, *viz.*, a sense in the nation that no single class of any importance in the community is permanently excluded from power, cannot be said to exsit in India.

Open declaration of Prime Minister.

47. In this connection, it is necessary to invite attention to the declaration openly made on this subject by the Prime Minister of an important Congress Province, who occupies a high place in the Congress heirarchy. He emphatically repudiated the idea that the Congress was running the government under the Party System, and declared that the Congress objective, ideal and practice were entirely different from such a notion in which the Congress had no belief, that the Congress claimed to represent the people as a whole and that everyone should therefore look upon the Congress as representing everybody,

and that the Congress did not recognise the existence of an opposition party capable of taking up the government from the Congress. This is a new theory which is foreign to the conception of "Responsible Government," and it reveals the perplexity of Indian politics. It is in conflict with the well-recognised English constitutional maxim that Party government is the vital principle of Representative government. In rejecting the party system and in refusing to recognise the existence of any opposition, it has destroyed the essential virtue of democracy. Because, under the English system, the Government and the Opposition are but parts of a single machinery, and the majority has to accept the Opposition as its partner "in an adventure which requires the participation of both." In repudiating the English ideal and ignoring the English theory and practice, the Prime Minister has fully confessed the absence of Parliamentary democracy in the Congress Provinces, and furnished convincing proof of the correctness of the opinion often expressed by impartial observers that the English Party System, and Parliamentary democracy based on that system, are unsuited to the genius of the Indians. The admission of the Prime Minister conclusively shows that the third essential factor of "Responsible Government" laid down by the Joint Parliamentary Committee, *viz.*, the existence of great political parties divided by broad issues of policy, does not really exist in India.

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48. Under the English constitution, His Majesty needs not only a Government but also an Opposition. "His Majesty's Opposition" is given a place of honour and there is consideration for those who have been displaced from office. The Government and the Opposition are parts of one and the same machinery which is cemented by a fundamental unity of purpose, *viz.*, the achievement of the common good through the agency of Parliament. The Opposition is not so much an opposition as an alternative government. The Opposition leader has a recognised status, is given a decent salary, and the Prime Minister treats him as an equal; and this is a feature which has given charm and harmony to English public life. The most remarkable quality of the English habit is, to "allow your opponent to say his say, even when you are convinced that he is wrong," to give him the opportunity to convince those who are

dubious or indifferent and "to defeat the cause you believe to be urgent," and "yet to accept the results of that defeat as part of the normal day's work." How can any honest observer withhold admiration for a people who have cultivated such estimable habits? And what wonder that other nations should find it difficult to successfully work the English Constitution? Democracy is the most difficult of all forms of government. Its high ideals require the willing co-operation of men of their own free will, and its success rests on everyone realising his responsibility to it; and Prof. H. Laski points out that, "under democracy, government by discussion is the rarest of all arts, so difficult, indeed, that there are only two or three countries in the world where it has endured for any space of time." Its inherent difficulties are sure to be aggravated by the adoption of undemocratic methods and disregard of its recognised principles. Democracy is bound to fail if what is practised is dictatorship in the guise of democracy. Sir Ernest J. P. Benn, author of "Modern Government (1938)," gives a sound warning that "it is not at all healthy that we should be boasting of one constitution and be actually living under another."

Urgent need for an alternative choice of Government and concerted action by a combination of all talents under the wise leadership of Mahatma Gandhi.

49. Criticism against the working of the Congress Governments is urged on the grounds that the Opposition are slighted and even distinguished leaders do not get a courteous hearing for their arguments in the legislature, that the Steam Roller is freely allowed to work and legislation has become a mockery, and that it is futile to rely upon the goodwill of the majority for fair consideration of opposing views. Such an acute observer as the Hon. Mr. V. S. Srinivasa Sastry states that there is a tendency towards dictatorship of one party in India, that opposition is not tolerated and independence of judgment is not looked upon with favour, and that people are compelled to speak and vote at another's bidding. There is an increasing conviction that the absence of an effective opposition is destroying democracy in India. The activities of prominent Congress leaders in different parts of India furnish evidence of a growing dissatisfaction with the prevailing conditions and of a strong desire for an alternative choice of government without which democracy cannot flourish. The President of the Democratic Swaraj Party has issued an appeal to the Non-Congress groups to rally together to break "the tyranny of

the Congress dictatorship" and to devise a genuine programme of mass welfare. There are some Congressmen who bring forward a fallacious argument that such an opposition is undesirable until the country has attained Swaraj. But true democrats and genuine patriots believe that if it be delayed until then, democracy will be dead in India and authoritarianism will have gained such a hold upon the country as to defeat all attempts to root it out. In the present atmosphere, it seems to be imperative for all well-wishers of India to welcome the attempt to create a live opposition and an alternative choice of government. India possesses the finest material for a sober, vigilant and responsible Opposition, and any country would be proud of such political leaders as the Hon. Mr. V. S. Srinivasa Sastry, Mr. Venkatarama Sastry, Sir Tej Bahadur Sapru, Mr. P. N. Sapru, Dr. Chintamani, Sir Sivaswamy Iyer, Sir Chimanlal Setalvad, Mr. Jinnah, Sir Cowasji Jehangir, Sir Homi Mody, Mr. Jamnadas Mehta, and many others. They are all liberals by training and conviction and are seasoned politicians, and thoughtful people are of opinion that there is no justification for the Congress, which claims to be a national organisation, to keep out all this galaxy of political talent. A combination of these eminent and veteran leaders with the brilliant and highly patriotic Congress leaders will give added strength and prestige to the whole body, and concerted action which India urgently needs at the present juncture under the wise and dynamic leadership of Mahatma Gandhi—whose high ideals always form a most redeeming feature in every difficult situation—may help to bring about a satisfactory solution of many unsolved problems, including the questions of the Muslims and the Depressed Classes who, with some indulgence and generosity, might perhaps be persuaded to join the Congress ranks. A combination of all talents will be an effective answer to the frequent charge made against the Indians, that they reveal a lamentable incapacity for collective action in public life, unlike people in western countries, and that there is something incompatible in the Indian character itself, which prevents even cultured political leaders to meet on a common platform, to discuss common subjects, and to promote the achievement of common ideals. Competent Indian observers, including recognised Congress leaders, have pointed out that the Indians, unlike western people, do not apply in practice in actual life the high principles and maxims learnt in college or acquired by

knowledge, and there is a great deal of truth in these observations. Courage of one's convictions, which is greatly needed for the progress and elevation of mankind, is highly developed among the English people. They have no hesitation to acknowledge their imperfections, and to expose errors and abuses in the interests of society, and courageously apply the proper remedy, irrespective of consequences. The majority of the people have a high sense of right and wrong, and invariably condemn a wrong, whoever may happen to be the author of that wrong. It must be confessed that we have to revise our notions in this respect. If there is an undoubted wrong or evil, everybody wants that somebody else must accept responsibility to point it out, and nobody ventures to apply the proper remedy. The result is that the wrong or evil continues and matters are allowed to drift and the usual mentality is rather to suffer and see the suffering of others, and indefinitely postpone the remedy than to courageously face the opposition and check the evil. But in the west, most people courageously come forward to accept the responsibility to right a wrong or check an evil, since each man thinks that it is his duty to do so. Mr. C. F. Andrews, who is a great friend of the Indians and knows more about India than any living European, states in his latest book on India, that one of the greatest faults in the Indian character is the habit of submissiveness and apathy in the face of wrong, instead of its fearless, active condemnation. Another weakness has been the lack of cohesion and unity in any great public cause, and a lack of that discipline which every great cause supremely needs. ("The True India," by C. F. Andrews, 1939, pp. 205 and 212.)

Conclusions drawn from the above paragraphs

50. In spite of the chorus of praise of the Congress administrations, which has perhaps been overdone and which, in my opinion, ought not to be unqualified, there is strong evidence of a convincing character as pointed out in the above paragraphs to justify the conclusions that the Congress is not a democratic body and is not functioning in a democratic way ; that the principle of majority rule, willingness of the minority to accept the decisions of the majority, the party system and the existence of an organised opposition—which are all vital conditions for any system of 'Responsible Government'—are all absent; that communal feeling which has become more virulent than before has not

been obliterated; that there is no unity among the several political groups on fundamental issues; and that the conditions necessary for 'Responsible Government' have not been created as anticipated by the authors of the Joint Parliamentary Committee Report. Thoughtful people have repeatedly declared that there is an unmistakable tendency towards dictatorship in the Congress Provinces. While one High Court Judge stated that democracy was degenerating into dictatorship, another High Court Judge declared that democracy was now as good as dead and that totalitarian ideas were gaining ground, and there can be no doubt that 'Responsible Government' in British India is running at a tangent and developing itself into a pattern unknown to democracy.

CHAPTER III.

Declaration of the goal of 'Responsible Government' in Mysore.

Majority opinion is also against copying the model of 'Responsible Government" in British India.

51. Constitution-making is a difficult art, and Lord Irwin has stated that the difficulties with respect to India were found to be of a formidable character. It has been stated that India has become a laboratory for Englishmen to make constitutional experiments. Every experiment is being preceded by exhaustive enquiries by specially appointed committees and publication of voluminous reports, but no satisfactory solution to the constitutional problem of India has yet been discovered. Within a short period of twenty-five years, two constitutions were framed, tried, and finally given up as being inadequate. The Simon Commission appointed in 1927 made an exhaustive enquiry into the whole subject of the form of government best suited to the people of India. Their recommendations were examined and re-examined for a period of five years, and the Government of India Act was passed in 1935. The result of the working of 'Responsible Government' in British India is not such as to recommend it as a perfect model to be adopted in Mysore. It is still on its trial and has not yet passed the stage of experiment. Political leaders of every shade of thought in India have condemned the carefully guarded instalment of reform as being "almost entirely illusory," and one of the Congress Ministers plainly told the raiyats recently (6th June 1939)

that the Government had not yet become theirs under the present constitution. The majority of my colleagues are admittedly not satisfied of the result of its working in British India. In view of the prevalent illiteracy and peculiar social conditions in Mysore, they consider that it would be futile to copy the British model of 'Responsible Government,' and recommend that it would be wise for Mysore to 'hasten slowly' on her own path of constitutional development. They also hold that it is very difficult to be sure whether 'Responsible Government' in British India will at all develop on the lines of the original model. (Paras 115 and 116 of the Report.) Therefore, there is no difference of opinion between me and my colleagues in this respect.

Plea for declaration of goal based on confusion.

52. In view of these definite findings which are expressly against the adoption of such a system, their recommendation in favour of a declaration of goal in terms of 'Responsible Government' seems to be inconsistent, and with due respect, I beg to strongly differ from them. In the first place, I am not at all in favour of the declaration of a goal for which there is absolutely no justification. The argument in favour of having a "System of 'Responsible Government' as the goal," seems to be based on a confusion of two different conceptions. Democracy or Responsible Government is only a means to an end and not an end in itself, and hence there is no point in having a particular form or machinery of government as the goal of a State. The word "Goal" comes from French 'gaule,' which means a pole; the mark set to bound a race; the place at which a race or a journey is to end. Hence, "Goal" means the final purpose or aim; the end to which a design tends. John Stuart Mill and Prof. H. Laski are of the opinion, that the end and aim of the British constitution is the welfare and happiness of the people, and Prof. Keith states that the object of 'Responsible Government' is also the welfare and happiness of the people. It is a truism that the end and aim of every form of government in the world is the welfare and happiness of the people, which is only another form of Bentham's famous doctrine of the greatest happiness of the greatest number. It is a mistake to suppose, if the present recommendation for a goal implies any such suggestion, that the Mysore Constitution has developed during all these 58 years without a plan, object, goal, or

well-defined policy; and such a presumption will be an undeserved slur on all the talented Indian administrators who have contributed to the great success of that constitution. On the other hand, the high ideals maintained and scrupulously pursued by our saintly Ruler are really inspiring. On the completion of the twenty-fifth year of his reign, he sent this loving message on 8th August 1927, "I send my loving greetings to each one of my dear people, with a heart full of solicitude for their happiness. With increasing effort I shall, while life lasts, endeavour to promote their welfare and prosperity, and I pray that God may give me light and strength to achieve this, the supreme object of my life and rule." To this Committee His Highness sent the following gracious message :—

"At the outset of your enquiry I wish you Godspeed in your labours. For the past thirty-six years I have watched with profound satisfaction the progressive association of my people with my Government, having as *my single aim* the *prosperity and happiness of all classes*, and always the *hope* that Mysore *may play* a worthy part in the progress of India as a whole.

I trust you to keep these same objects before you in planning a further development, and I pray that *you may succeed in evolving a scheme that will blend Western ideas of progress with our own traditions of Satya and Dharma.*"

Goal declared by His Highness is more exalted than what is suggested by the majority.

53. Mark the words : "I trust you to keep the same objects before you." Can there be a more noble or lofty aim, object, or goal than what has been declared in the above gracious messages ? Is the above goal not evidently more exalted than that contemplated in the recommendation of the Committee which prefers merely a particular form of Government, instead of the ultimate object (goal) of that and every other form of Government? In 1933, Lord Willingdon made an appreciative reference to the lofty ideal maintained by His Highness : "The people have every reason to feel proud of the good of this great State. They are fortunate in having a Ruler whose whole life has been devoted to the welfare of his people." Judged by the standard of ideals, achievements, and character, His Highness the Maharaja is easily the greatest of all the Indian Princes. This is the unanimous verdict of history, and a similar view has been expressed in a recent book on India by Mr. Leonard M. Schiff, which contains a foreword by Pandit Jawaharlal Nehru. ("The Present Condition of India," 1939, p. 114.)

54. The Montagu declaration of 1917 has evidently influenced my colleagues to support the recommendation in favour of the goal of "Responsible Government." But there is no analogy between the machinery of the Government of India in 1917 and that of Mysore in 1939. In British India the old structure did not admit of development, and it had become in the words of E.S.Montagu, "too wooden, too iron, too inelastic, and too anti-diluvian to be of any use for modern purposes," (Report of Minto-Morley Reforms, 1918, p.67). A new structure had to be created, and hence the objective set out in the announcement of 1917. But the Mysore constitution is "sufficiently flexible to expand with the expanding political consciousness of the people," as described by His Highness in his gracious message delivered on 12th March 1924, to the Joint Session of the Representative Assembly and the Legislative Council. It is neither "wooden, iron, nor antiquated." On the other hand, it possesses an elastic machinery which admirably serves modern purposes, and admits of suitable adjustments to meet new conditions and new requirements. It has remarkably stood the test of time and has great achievements to its credit, and cannot be said to be inferior to the new system in British India which is still on its trial. It has brought prosperity, contentment and happiness to the country, and "its blessings and enlightened progress are everywhere in the ascendant," as remarked by an Ex-Viceroy. The Mysore constitution is based on the strong foundations of British standards, principles and methods of administration laid by British experts during the British Commission days, and this unique feature deserves to be constantly kept in view by all constitution-makers. There is no good reason to hold the new system in British India as sacrosanct and to decry the Mysore system. The inauguration of the Representative Assembly in 1881 was in itself a bold conception. It was a great political experiment which introduced democratic principles for the first time into an Indian State, and it afforded a wide scope for developing the political consciousness of the people. It was inspired by a lofty ideal which had, at that time, no parallel anywhere either in the other Indian States or in British India.

Elastic machinery of Mysore constitution, based on British Standards, not inferior to 'Responsible Government' in British India.

55. The Mysore constitution, as already observed, is based on the British model; and British parliamentary methods of government have been steadily introduced to

Mysore constitution has

been democratised and needs no declaration of goal.

democratise the constitution as much as possible. Our sagacious Rulers, who possess a natural instinct for modern conceptions of good government, have of their own accord liberalised the system of government to an extent unknown in other Indian States and have placed the Mysore constitution on a democratic basis. The actual machinery of popular government is already there. It is well-known that the cherished ideals of good, stable and progressive administration of our saintly Ruler have achieved beneficial and enduring results. His Highness has shown that, like other great principles, the monarchical principle in Mysore has a unique significance and possesses great possibilities. In short, "Model Mysore" has mastered the task of good government for upwards of half a century and impressed the world with phenomenal success. Princes of small and large States are delighted to come to Mysore to study the working of the Mysore constitution in order to find out the secret of its success. Is it not strange for my colleagues to say that "Model Mysore", at this stage of continued progress, requires a solemn declaration of goal for her guidance? If she has done well for 58 years without such a declaration, why should it be inflicted upon her now?

'Responsible Government' in Mysore, is only part of the larger question of 'Responsible Government' in all the Indian States.

56. In the next place, the demand for 'Responsible Government' in Mysore is only a part of the larger question of agitation in British India for 'Responsible Government' in all the Indian States, which has already been dealt with in the earlier portion of the note (paras 1-23). It is not supported by authority or precedent, and all the arguments urged against the larger question apply with equal force to the Mysore question. Similarly, the remarks already made on the merits of the question of 'Responsible Government' (paras 24-29) also apply to the question of 'Responsible Government' in Mysore.

Demand for 'Responsible Government' is a slogan.

57. The demand for 'Responsible Government' is a slogan to capture the imagination of the people. We are living in an age in which we repeat slogans, and in which our minds are moulded by propaganda. Congressmen and the supporters of the Congress live on propaganda, and there is a great danger of our being deceived by catch phrases. The masses are fed on slogans, and leaders produce crisis after crisis to retain their leadership. It is

pitiable how a few slogans even amongst the educated young men create a mob psychology, in which the most gentle and the gentlemanly lose their bearings. Pandit Jawaharlal Nehru advised people not to be swept away by slogans and warned them that dangerous things might happen, as in other countries, if they allowed themselves to be guided by them. An Ex-President of the Congress and a prominent Congress leader says, that the propaganda mentality for which newspapers, politicians and others were responsible, really sapped all independent judgment. What the country needed at present was a critical perception of the currents and tendencies of things which were happening, and not an uncritical propaganda mentality. These remarks apply with great force to the present conditions in Mysore.

No need to make a fetish of it.

58. If it is true that originality and adventure indicate real progress, why should these virtues not be appreciated and their possessors honoured when they happen to be Indians as in the case of Mysore? While unduly exalting western institutions, why should we be blind to the virtues of Indian institutions built up by great Indians? Though I have a great admiration for the many estimable qualities of the British people, and also not at all unmindful of the various blessings enjoyed by India under the British rule, still I hold that a western institution is not sacrosanct. With due deference, I beg to state that there is really no magic in the expression 'Responsible Government', and there is no need to make a fetish of it. There is a rage for imitation of western institutions and methods. The existence of much loose thinking about 'Indian Nationalism,' during the present transitional stage through which India is passing, has been forcibly pointed out by Sir S. Radhakrishnan who expresses surprise at the strange mixture of inconsistent moods among many leading Indians. He says:—

> "In the minds of many of our leaders the antoganism to British rule is strangely mixed up with a love of British institutions. They are more anxious to westernise our country so as to make a replica of Europe.....We are violently western in some moods, and violently Indian in others. We are transitional creatures burdened with uncertainties, with chaos in our minds."

Right of Indian

59. The system of 'Responsible Government' in British India has lost much of its early attraction, and its

Princes to preserve their own constitutions.

glamour need not blind us to a just view of the virtues and potentialities of the existing constitution in Mysore. The proper constitution of a country is that which bears the closest relation to the life of the community and to the well-being of the individuals who compose it. Again, a constitution should further be evolved from previous experience of what had gone before, and not from the experience of somebody else under entirely different conditions. The Indian Princes believe that, as custodians of ancient dynastic traditions, "it is their duty (if not right) to preserve their identity and peculiar constitutions with their particular fields of endeavour. They also hope that, uninterrupted by outside interference, they can make experiments in administration which may in some aspects be usefully followed by their neighbours." This is a perfectly legitimate claim, and there is no valid reason why the Mysore constitution which has been working successfully from upwards of half a century should not continue to function as before, and evolve what has been proved to suit the peculiar genius of the people.

Message of Justice Ranade.

60. The late Justice Ranade had a practical grasp of the issues of modern progress. The principles for which he stood are beginning slowly to re-assert themselves after a period of eclipse by the Non-co-operation movement. He was an illustrious thinker and possessed a most massive intellect which India had produced for nearly a century, and his message was :—

"Not to have faith in the method of rebellion in any sphere of life. To have a firm belief in historic continuity, and in the necessity of linking up the present with the past, in order to make progress a living force. Do not trust sudden and revolutionary changes, but have profound belief in slow and steady endeavour as the only sure means of effecting beneficial and permanent changes in a nation's life."

He pointed out :—

"In human affairs it is not true that our past is always dead and buried. Nothing that our fathers have done is dead for us. It is a living force..... If to resolve were the same thing as to act, life would have no difficulty, and no discipline."

He was not the man to obey a blind impulse unless it had the sanction of his reasoned conviction. He had convinced himself by his deep study of Indian history that

the method of assimilation, and not that of rebellion, is the one most congenial to the genius of the Indian people, and, therefore, most likely to yield lasting results. Every one of his arguments supports the plea in favour of the preservation of the Mysore constitution in preference to the new system of 'Responsible Government' which is on trial in British India.

Method of assimilation most congenial to India (Lord Irwin). Indian States may devise their own forms of popular Government.

61. Lord Irwin (now Lord Halifax), who is known to be a friend and sympathiser of India, also urges the vital need for the method of assimilation in India. He points out that the gradual organic process by which political institutions have been moulded in other lands has had no place in Indian history. Hence such institutions as India has to-day have been imported, almost entirely, from outside; and, further, these institutions, the principle on which they are based, and the ideas with which they are associated, have all been imported into India when their development was already far advanced. It was inevitable therefore that their introduction into the virgin soil of India should produce strong reactions. This is a factor in the development of political life in India which must always be borne in mind, since it throws light upon many of the phenomena familiar in Indian politics; and it may truly be said that the whole of India's political life rests to-day on a precarious basis. Thus, the Indians have now before them the vital work of properly assimilating this development, of making the principles and ideas on which it is based their own, of giving its institutions and organs a specifically Indian form, of fashioning them to fit Indian conditions and ways of thought, and, above all, Indian character. Lord Irwin most pertinently says:—"We can no more give India a ready made constitution than a midwife can give a woman a grown up child of her own body. Every country must perfect the spirit of its own constitution out of its own being and traditions. No matter what the British have done in the past, or may do in the future, to foster the growth of institutions and reforms in India, these without the creative contribution that India alone can supply will remain no more than adhesions on the great trunk of India's life. Their sap will not blend with hers, as blend it must, if the fruit borne is to be for the true healing of India's ills." This is a genuine expression of opinion of the Indian political situation today, and before the vital work of assimilation has been achieved, it

is too premature to say that the experiment in British India is a success. Nor can true political life be said to exist in India at the present moment. The two words "political life," "denote a range of activities of mind and body constantly devoted to the creation, development, and protection of nationality." "The nature of nationality is dynamic. Nationality is to a people what personality is to the individual, and to be a nation, men and women must be capable of thinking and acting as a unit in all that matters most; and they must be prepared to sink all differences of class, religion, and material interest for the sake of the common good." National feeling in the above sense is a prime necessity for the establishment of true political life; and unfortunately, it does not exist in India, including Mysore, at present. Whether the pattern of 'Responsible Government' given under Provincial Autonomy is in itself unsuitable, or whether the Indians themselves are yet unprepared to successfully work the Parliamentary system of government, or both, democracy is working badly in India and the experiment is far from being satisfactory. When forms of government are on trial and none has definitely passed the test, how can one dogmatically say that the system in Britsh India is better than the system existing in Mysore? Again, some competent observers are of opinion that the British Parliament made rather a fetish of democratic institutions, and that the framers of the Indian Constitution began with a wrong objective. To have recognised communal electorates on the one hand, and established Responsible Government on the other, was a fundamental mistake. They introduced a broad franchise combined with separate electorates and transferred power to the masses without taking Indian social conditions into consideration, and relied on the special powers of Governors to safeguard vital interests. But as soon as Provincial Autonomy was introduced, it was discovered that the special powers of the Governor were not compatible with cabinet responsibility to an elected legislature. The result is that great changes are taking place in the provinces. In none of the provinces is there an effective opposition, and without effective opposition the majorities are likely to become dictatorial. The Indian States have freedom to devise other methods of popular government, and if they are wise they should not repeat the same mistakes. And hence the need for "Model

Mysore " to proceed with great caution in the difficult path of constitution-making. At any rate, there is no ground for hustling. The new form of government in British India has not definitely passed the test, and any hasty imitation may prove dangerous.

Democracies moulded in different forms. Mahatma Gandhi's formula.

62. It has to be remembered that modern democracies are not all cast in the same mould, but are moulded in different forms in different countries. While the system of ' Responsible Government ' in British India is cast in one mould, the Mysore system represents another pattern of democracy, the process of democratising having commenced so long ago as in 1881. We are not concerned with mere forms of democracy, and what matters most is the spirit and manner in which it is worked and the character of those who work it. It is agreed that democracy, by itself, does not bring in the millennium. A well-known Professor of Politics recently gave currency to the idea, that a great number of people had interpreted democracy in a technical and narrow sense. He believed that democracy is not simply a form of government, and that it must be understood in five different senses; namely, as a form of government, as a type of State, as an order of society, as an economic or industrial condition, and as a moral and spiritual principle. And Mysore can very well be described as a democracy in more senses than one. According to Mahatma Gandhi, " The science of democracy did not centre in the numerical majority or in numbers, but it lay in the spirit behind even one person. Even one man could represent a whole democracy if he identified himself with the people. There were no special virtues in a big body." It will thus be seen that the spirit of democracy consists of the principle of identity of interests between the Government and the people according to this formula. It was exactly on the basis of this very principle that the Representative Assembly was inaugurated in 1881, and it is as a logical consequence of the said principle that constitutional development has proceeded from 58 years. Mysore, as a democracy, fully satisfies the test laid down by Mahatma Gandhi; and judged by ideals and achievements, the Mysore constitution must be pronounced to be decidedly better than the system of ' Responsible Government ' in British India.

Sir Shanmukham Chetty, on the correct method in democracy.

63. Sir R. K. Shanmukham Chetty rightly holds that democracy is seriously concerned with the means adopted in the machinery of government, that it might be stated as a postulate in the study of democracy that the starting point for democracy is the method adopted by Government, and that the correct method of democracy is the recognition of the principle of participation or association of the people in the machinery of the Government. This democratic principle has a long and interesting history in Mysore, since the policy of associating the people with the administration was inaugurated at so early a date as 1881, much in advance of any similar development elsewhere in India. Constitutional development has proceeded on the same democratic principle ever since, and Lord Samuel recently complimented Mysore for having set the "fullest example of associating people more closely with the Government." My colleagues, for whom the term 'Responsible Government' has somehow a great charm, have rejected the conception of "association" as being "stale" and useless (Para 119), while Sir Shanmukham Chetty has recognised it as being the vital principle of participation involved in the correct method in democracy. My colleagues have not shown any authority in support of their view, and have not proved that the policy of participation or association of people with the Government has lost all its virtues as a democratic principle in any democratic country.

The words 'Responsible Government' are not necessary according to Mahatma Gandhi.

64. While Mahatma Gandhi has declared that it does not matter whether the words "Responsible Government" occur in the constitution or not, so long as the administration is based on democratic principles, my colleagues have elected to take a contrary view and seem to think that there is something sacrosanct in the expression "Responsible Government." It may be of interest to note that in the Address delivered by His Highness the Maharaja on 12th March 1924, which in the opinion of my colleagues is a constitutional document of great and enduring importance, and which is said to inculcate "ideals that are as true and as applicable today" as when they were pronounced (para 76), His Highness has expressly declared that "all constitutional progress relates to the enlightenment of the people, and the quickening and the utilising of their energies in the business of the State, and that progress of this kind has

been the constant aim of the Government of Mysore." The noble aim or "goal" of His Highness "could not be put in more perfect language", as observed by Sir Wardlaw Milne, M. P. If this ideal is as true and applicable today as in 1924, as admitted by my colleagues, how can they say that the democratic principle of association or participation of people with the Government has become "stale" and useless? Again, in the face of the declaration of His Highness that such progress is the "constant aim of the Government," where is the need for the declaration of another "goal"? While the formula of Mahatma Gandhi, according to the science of democracy, rightly gives greater prominence to the principle of identification of interests between Government and the people than to mere numbers and counting of heads, which in the opinion of the Mahatma "do not possess any special virtues," my colleagues have thought fit to reverse this principle and attach greater importance to numbers and the mere form of government.

Reforms unanimously recommended make the constitution fully democratic

65. It has to be pointed out that altering or modifying the constitution of the Representative Assembly and the Legislative Council, as proposed by our unanimous recommendations, in material particulars so as to increase the popular element and give increased powers to the two houses and especially to the Legislative Council, is one way of making the Government really responsible to the people. The Legislature is the source of power in the constitution. On it depends the nature of the government and its policy. It represents the principle of democracy, and it is the link between the people and the Government. Its conduct will be the touchstone of the working of the democratic system. The recommendation for the appointment of two non-official members is another forward step. It is an unmistakable recognition of the principle of responsibility to the people, and is an additional proof of the really progressive character of the Mysore model, which is "elastic, expanding with the expanding consciousness of the people". In fact, the scheme of reforms unanimously recommended by us contains most of the features of a fully democratic constitution, except the responsibility of the ministers to the legislature. But this is not an indispensable condition for every democracy. For instance, in the United States of America, which is the largest and most powerful democracy in the world,

the ministry is not responsible to the legislature as in England. It is independent of the legislature, and cannot be removed during the period of four years which is its term of existence. Hence, the Mysore pattern cannot be said to be less democratic on the ground of the absence of ministerial responsibility to the legislature. What does it matter what the political theory is in the adjoining provinces? It is safer to progress on proved lines than to imitate precarious innovations.

Real Swaraj in Mysore.

66. A great poet has said :—

"For forms of government let graceless zealots fight; whatever is best administered is best."

Another great poet says :—

"The man who can make two ears of corn, or two blades of grass, grow on the spot where only one grew before, would deserve better of mankind, and renders more essential service to the country, than the whole race of politicians put together."

These famous maxims contain a great amount of political wisdom for all time, and no amount of sophistry can destroy their intrinsic value. Judged by this standard the progressive State of Mysore scores a point over British India. Again, the entire personnel of the Mysore administration with a few exceptions, is national, Indian, and even Mysorean, from top to bottom, from the highest to the lowest, from the Dewan to the Police Constable. It is difficult to say how long a British Indian Province will take before it can have an Indian Governor as a Ruler. It goes without saying that a national personnel in the administration and in the service automatically realises to a large extent the ideal of self-government or "swaraj." It is no mean advantage to us that ours is a Government of the people for the people, and the sons of the soil are in charge of the Administration. It may also be of interest to add that Mysore has in practice adopted and is working Congress ideals. It is well known that the Khadi Industry is encouraged from upwards of ten years, and the development of rural and cottage industries is proceeding under inspiration from Wardha. Thus, the constructive policy of the Congress for which Mysore has a great admiration, is actually in operation, and this is a unique feature in Mysore.

67. The Mysore pattern of democratic government is efficient, pure, responsive, more beneficial, more stable, and possesses greater potentialities in practice and actual working, though not in theory, than the system of 'Responsible Government' in British India. It is fashionable to quote the slogan that "Good Government is no substitute for self-government." The chorus of praise bestowed upon it has been overdone. It is purely a western conception, and it is inapplicable to a State like Mysore. Is it not more appropriate to state that "bad self-government is not at all a substitute for good government"? Moreover, it is important to bear in mind that, according to John Stuart Mill, the purpose of the British constitution itself is the attainment of good government, so that 'good government' is a political ideal that deserves to be honoured and not deprecated. The difference in traditions, history, environments and genius of the people between Mysore and British India should not be forgotten. The pattern of democracy in Mysore cannot be attributed to any struggle between the sovereign and the people, as in British India, and it is the outcome of a spontaneous desire on the part of the wise Rulers of Mysore. This is a remarkable feature which speaks volumes in their favour. Therefore, the analogy of British India and the arguments of Congress leaders for "Responsible Government" do not apply to Mysore. It is curious that my colleagues in their over-enthusiasm for "Responsible Government," should have taken for granted that it is a better system and that the Mysore pattern is inferior. They have not discussed the merits and demerits of both the patterns and the political theories on which they are based, and they have not proved that 'Responsible Government' is a better system. In the absence of such proof, there is no reasonable justification to exalt the one and condemn the other. While the experiment of the new system is still on trial in British India and has not passed the test, and they themselves hold that it would be futile to copy the British model and that its future development is doubtful (Paras 115 and 116), what exactly are the principles of political ethics which can be said to justify their presumption in favour of 'Responsible Government'? If the Mysore pattern has been found to be good for 58 years, as conceded by my colleagues, that itself is an argument in favour of its continuance. How are they entitled to presume that it will deteriorate in the future?

Mysore Democracy is more beneficial than Responsible Government.

The burden of proving the superiority of a new system of Government lies on those who advocate the adoption of that system. Have they discharged this burden satisfactorily? The preponderating bulk of opinion before the Committee is against 'Responsible Government'. My colleagues accept this opinion as sound and also hold that the existing Mysore pattern is good, and proceed to make all the recommendations to further democratise the constitution on the basis of this conviction. But as regards the subject of the goal of 'Responsible Government' and its definition in the terms of a formula, they suddenly develop a liking for the British Indian system and entirely reverse the principle on which they themselves have based all other recommendations. It is not open to them to accept the principle for one purpose and reject the same principle for another purpose, and this appears to be a strange inconsistency on the part of my colleagues.

Duty to face present facts and not to speculate about future.

68. My colleagues are emphatically of opinion that the present level of political consciousness of the people at large would not justify the grant of Responsible Government (para 88). The conditions of political life which might exist at a future period, the exact direction in which political awakening may run, and its possible future developments, are matters which do not admit of speculation. These are vital matters on which any adjustment of the constitutional machinery of the future must naturally depend. How can anybody now claim to make a correct forecast of the future? Our duty is to face facts as we find them and adapt the constitution to existing conditions. It is not our function to speculate about political conditions that might exist at a future date and claim to make a constitution in advance to suit such conditions. It is interesting to note the sound advice given by a distinguished Congress Prime Minister in this respect. He states that "it would be difficult for people to-day to forecast what might happen or what would be the circumstances and duties of people some decades hence," and that people might "concern themselves with their own times and not quarrel over what might or might not happen in the years to come." He also points out that "the Indians are young, and what they want is good government, strong government, and steady government." The advocates of Responsible Government in Mysore are always fond of seeking inspiration from

outside, and they will do well to pause and ponder over the above advice from a responsible quarter.

Function of Committee under terms of Reference.

69. In this connection, I may be permitted to ask whether it is not the function of this Committee to confine its attention only to the present and not to attempt to make any venture for the future. To my mind, the terms of reference contained in the Government order dated 1st April 1938, seem to be clear beyond any doubt. The first paragraph of the above order refers to certain resolutions discussed in the Legislative Council and the promise made by Government in January 1938. These resolutions and the promise, which led to the issue of the Government Order, certainly referred to the present requirements of the country and never contemplated any scheme for the future. This is further supported by the express limitations contained in paragraph 11 of the Government Order. It lays down that the committee's proposals must be based on "the *present* state of education and public spirit, the growing political consciousness of the people and other relevant factors." If recognised canons of interpretation are to be honoured, it is difficult to justify the recommendation for a declaration of the goal of 'Responsible Government' for a future and uncertain occasion. Again, there is a second limitation contained in paragraph 12 of the Government Order. It requires that the recommendations must be based on the ideals and principles enunciated in the gracious Address of His Highness the Maharaja dated 12th March 1924. But I am constrained to observe that the recommendation for the goal of 'Responsible Government' is a violent departure from the ideals and principles enunciated in the above Address. Though they are praised in paragraph 76 of the report, they are ignored in paragraphs 117, 118, 119 and 121. If the constitution is "sufficiently flexible to expand with the expanding political consciousness of the people," and has achieved great success from 58 years, without any signs of deterioration, why has a recommendation been made to replace it and destroy such a useful machinery? If the keynote of the Address can be described as "the continuity of planned constitutional progress," where is the justification to recommend a new plan and a new scheme based on an unproved political theory which is in direct conflict with the Mysore model, and which is still an experiment on trial? If stability is deemed to be a virtue,

which of the two systems has got greater chances of success and durability? Moreover, paragraph 12 of the Government Order wants the Committee to make recommendations for "the development of the constitution" and not for its destruction, and 'Responsible Government' cannot under any sense of that expression be understood to be a "development" of the existing constitution. So far as the opinion of His Highness the Maharaja is concerned, it admits of no doubt whatever. He has declared, on 20th October 1926, that "in any reconstruction of our social, political, or religious policy, we could not, and should not, cut ourselves off from all our historic past and that our future must have its roots deep in the past" (Speeches of His Highness the Maharaja, p. 106). Is this ideal not as clear as crystal? The further limitation contained in paragraph 4 of the Government Order provides that all new constructions to-day must be built on Dr. Seal's political theory of Government in Mysore, based on the fundamental tradition of the Sovereignty of the Maharaja. Under 'Responsible Government,' the sovereign and the people or again, the executive and the legislature, are rival authorities working by means of checks and counter-checks. Under the Mysore political theory, there is constitutional unity of the head and the people, and "the head creates and uncreates Ministries and ratifies or vetoes the acts of the legislature, by virtue of his inalienable unity with the people." If so, how can it be said that "Responsible Government" is not in conflict with the Mysore political theory? My colleagues hold that Dr. Seal's theory is fundamentally sound, that all power and authority are derived from the Maharaja, and that any scheme of constitutional reform could be only by means of devolution of powers from the Maharaja (para 107). If so, how can they reconcile this admitted theory with their recommendation of 'Responsible Government', which requires the ministers to be responsible to the legislature and through them to the electorate? Under Dr. Seal's political theory, which my colleagues have accepted, the Maharaja is supreme. But under the theory of 'Responsible Government', the people's representatives are supreme. These are conflicting theories, and it is impossible to grant 'Responsible Government' without destroying the Maharaja's Sovereignty. The theory of the Sovereignty of the people is a western conception unsuited to eastern soil. It has been rejected

by four-fifths of Europe, and the whole of China and Japan. To introduce such a theory and to recognise the supremacy of the people in Mysore, is to create a rival authority against the Maharaja and to destroy his traditional powers and prerogatives. It must not be forgotten that democracy has now lost much of its original charm. The enthusiasm for it was so great in the nineteenth century that it was regarded as a panacea for all the political distempers of a country. But at the end of the World War it lost its hold on people, and it became less attractive. It did not also acclimatise itself in other lands, and Professor Alan Hatterslea, in his brilliant work on "Democracy," has expressed the opinion that Parliamentary Government of the nineteenth century type will sooner or later disappear.

The Miller Committee Report and the Visvesvarayya Committee Report.

70. As pointed out at the meeting of the Committee, it appears to me that the reference to the Miller Committee Report in paragraph 80, is quite irrelevant for the purposes of this Committee. I do not think that my colleagues were in order in having entered into a discussion on the supposed "reactions" of a scheme, which His Highness has sanctioned, and which is working in the State from 18 years. In my opinion, it is entirely outside the scope of this Committee. The subject was never discussed in the Committee. No resolution was passed about it, and it was not proper to have introduced it into the report. It is a very controversial matter. There is much to be said on both sides of the question, and there is no justification to take this opportunity to cast any reflections on that Report. The existence of communal and political discord is a prominent feature in the social and political life of Mysore; and this is admitted in paragraph 85. There are sources of friction between groups, and the feeling has not been implanted in all that on the common plane of citizenship perfect equality is the right of the votary of every sect in the country. The impression in the minds of the Muslims is, that 'Responsible Government' in Mysore means the majority rule of the Hindus, in which they have no confidence. The great quality of tolerance is needed in Mysore, where politics is largely mixed up with prejudices. There is a good deal of lip service paid to the principle of so-called "nationality," which really does not exist. Even responsible men are generally not free from having a communal outlook,

and communal concord is to-day an empty phrase. "Any controversy becomes a communal question within forty-eight hours in British India", according to the Under-Secretary of State for India; and I think it is no exaggeration to state that in Mysore it takes only twenty-four hours to assume a communal complexion. A certain homogeneity in the people is the first requisite of 'Responsible Government.' The existence of caste, which carries a great emphasis in Mysore in spite of professions to the contrary, is the very negation of democracy. A social system, that prevents free intercourse between group and group by making them high and low, and bestows privileges on some, while imposing disabilities on others, has clearly no place in a democratic society. If there is to be real progress, our social system must be based on the equal dignity of all human beings. Those requisite conditions which alone can inspire faith in a legislature's capacity continuously to control its executive do not exist, and before such conditions are created I am afraid it is not wise to think of any form of 'Responsible Government,' which is too advanced and difficult an ideal for this country. Experience in British India has already shown that it is dangerous to make such experiments on comforting anticipations.

The reference to the findings of Sir Visvesvaraya Committee in paragraph 81, is also irrelevant for reasons stated by me at the meeting. It deserves to be mentioned that the remedy suggested by the above Committee, on what they called "the problem of how to allay political discontent", did not commend itself to the Government, who pointed out, in their final order, that raiyats cannot be abolished by a change in the form of Government, a proposition the correctness of which has been amply proved by the experience of British India for the last two years. In this connection, it is worthy of note that the Visvesvaraya Committee have recorded their finding that "the association between the Government and the people in Mysore is closer than in British India, and the public have great confidence in, and entertain feelings of loyalty and respect to the person of the Ruler of the State" (para 128 of their Report). This reveals the great difference that really exists between the conditions in Mysore and those in British India, where the solemn pledges given by British Ministers had remained only in words and not been translated into action.

The long postponement of any announcement of the future policy of British rule in India had perplexed all shades of political opinion, and there was universal demand for an explicit statement of the object of British rule in India, and these were the circumstances which led to the declaration of the goal of "Responsible Government" in India on 20th August 1917. The case in Mysore stands entirely on a different footing. There are no deeply-rooted grievances, administrative, political or economic, against the present constitution which has been greatly democratised. Unlike British India, the irritation of administration by an alien bureaucracy is altogether lacking in Mysore. The cleavage of interests in British India between the rulers and the ruled does not exist in Mysore, where there has been a remarkable identity of interests from 58 years, bringing about a "harmony which has been the admiration of outsiders" (paragraph 79 of the Report). The development of the national movement in British India, and the technique adopted by it and directed against foreign domination, are "certainly out of place when copied in a State with the traditions of Mysore" as admitted by my colleagues (paragraph 85). In British India, talent and ability have for many years obtained a satisfactory outlet in public life, and nearly every Province can claim a longer period of political consciousness and a larger class of politically-minded men than Mysore, where the growth of such classes has been slow, since Mysore is "an admirably governed State", as remarked by His Excellency the Viceroy. The most notable feature lies in the position of its saintly sovereign, who is a born ruler of men. The unity of the State and continuity of its life and policy are symbolised in the person of the Ruler. He is the people's real representative and the best guardian of their welfare and happiness, and he is a better and more natural representative of the people than the elected President of a democracy. The intimate and vital relationship between him, as Head of the State under the Mysore Political theory, and the people is one of sentiment and affection which is "more constant and abiding than the legal, factitious, consensual, mechanical and impersonal relationship obtaining between the electorate and the elected", in a system of "Responsible Government." Under the Mysore theory, the sovereign and the people are only organic parts of one corporate and constitutional unity, and it cannot be said that the country will gain very

much less from the democratised constitution in operation in Mysore than in the carefully guarded instalments of theoretical democracy granted to the Provinces, under a constitution which the Congress has condemned as unacceptable, and which is still on its trial as an experiment. The distinction between the Mysore model and the system of "Responsible Government" in British India is fundamental and real, and in my opinion it ought to serve as a warning to those over-enthusiasts, who wish to unduly exalt the new theory and convert Mysore into a replica of a British Indian Province.

Mysore not an Autocracy.

71. There seems to be a misapprehension, and one of my colleagues has actually stated in his separate minute, that Mysore is a State under "Absolute Government". Sometimes, Congress leaders find it convenient to call it an "Autocracy", and my colleagues have also made a reference to it in paragraph 104. This is far from the actual truth, and it reveals an inadequate appreciation of the virtues of the constitutional machinery working in Mysore. "Autocracy" is a form of Government in which a Ruler does what he likes, and is not controlled by any constitutional restraints. The Government of Russia, as it was before 1916, may fairly be called an Autocracy. But such forms of government do not exist to-day, and it is certainly unfair to apply that expression to the Mysore constitution. Everybody knows that the Congress Working Committee, which is not an elected body and is being nominated by the elected President, exercises executive authority and controls the policy and action, not only of the party, but also of eight Congress Ministries and has developed an anti-democratic or dictatorial tendency. Is it fair to call the democratic constitution of Mysore an "Autocracy"?

Reasons for declaration of goal not accepted.

72. The reasons assigned by my colleagues to, justify the declaration of goal in terms of "Responsible Government" are, that it would "help to give the *quietus* to unnecessary and avoidable political agitation," and that it would "satisfy people who are so prone to be led into mistaken ways by unscrupulous propaganda" (paragraph 118). With due deference, I beg to state that these reasons are hardly convincing. It tantamounts to a surrender to "unnecessary agitation" and "unscrupulous propaganda"; and if such a policy is to be accepted as sound, the Government must be prepared to make similar

declarations whenever such agitation and propaganda are similarly organised. If public opinion in Mysore is "formed more on the spoken word than on verified fact", and if "rumour and hearsay, however improbable gain rapid and widespread credence," and have proved capable of rousing fierce passion..... .. and considerable harm has already been done.....and Viduraswatha will stand as a beacon of warning for a long time to come," as held by my colleagues (paragraph 88), is it safe or prudent to change the form of government on the basis of such 'public opinion'? In these days, public opinion has become an unreliable factor, and it acts dangerously in a country where the masses are ignorant. Before 1922, printed books, with all their wisdom and their differences, exercised a healthy influence on public opinion, in western contries. The brains of the nation were applied to all the many sides of the question, and society was insured against undue pressure from any one quarter. But now the microphone is listened to by millions of people before the printed books are circulated by booksellers, and the popular newspaper must also have its quota of sensation. If real scandals are not available, scandals of some kind or other must be invented. It is apparently impossible to maintain a circulation of millions of copies, unless the public is given sufficient materials for grumbling and enough knowledge of evil, real or supposed, to flatter its sense of self-righteousness. There is a definite censorship upon sense, and Sir Ernest J. P. Benn draws pointed attention to the deterioration of printed news by contrasting it with its high level in the previous century. The 19th century used to say, "It must be true, because I saw it in print". The 20th century is driven to the opposite extreme, and is already beginning to say' "If it is printed, it is a lie." And for this we have to thank the circulation-monger's alliance with the politicians, in a joint effort to establish the lowest common denominator of popularity (Modern Government by Sir Ernest J. P. Benn, 1938, p. 63). After all, what is public opinion? We find that in practice it is the creation of the Few. If public opinion demands one course of action rather than another, it is because the Few in one political camp have been more skilful than the Few in the other camp. In a country like the United States, it is easy to watch the manufacture of public opinion. Halls are hired; the cinema is set to work; the post is filled with

literature; and the newspapers strike up a chorus. The evil is considerably greater in India where the masses are ignorant and illiterate, and rumour counts far more than reading. Political organisations are comparatively few, and there is not much opportunity of political education and guidance from other sources. Hence, assertions contained in a newspaper naturally acquire greater power and prestige. Political advocacy is left to the critics. Sometimes, the interests of good government are undermined, and confidence in the administration is shaken by distortion and misrepresentation of facts. There are no adequate means of successfully counteracting organised propaganda of a misleading character, and. a good case often goes by default. Much of what passes for public "opinion" is either unstable emotion or ignorant prejudice. The "vast majority" of the people in any country have no opinion. What is called "public opinion" is always the view of the instructed minority. It may be caught up and echoed by the majority, as when a crowd acclaims a demand for 'Responsible Government' or 'national independence', the full import of which it cannot possibly understand. In this country, by far the great majority of the followers of so outstanding a world figure as Mahatma Gandhi are ignorant of his policy and the real technique of his preachings. To millions he is a holy man, a saint or an Avatar. He himself constantly reminds us all, that his true creed is little understood even by his nearest companions. He has told us that thousands of those who pretend to mould their opinions on his views, and to fashion their public conduct and policies according to his wishes, have not got the remotest idea of what he really aims at. Moreover, my colleagues themselves have laid down the proposition that it is not safe to assume that wisdom lies in numbers. (Para 108). Their reasons in support of the recommendation of 'Responsible Government' have therefore no force and cannot be accepted. No scheme of reform, however good, can be expected to receive general approval or to satisfy all sections of the public. We have to judge the advance not by the aspirations of some, but by the substantial progress made from existing institutions. It is the opinion that is based on a critical perception of the currents and tendencies of happenings that deserves to be enlisted, and not that founded on an uncriticial and "unscrupulous propaganda" mentality.

73. The argument in favour of the goal of 'Responsible Government' contained in paragraph 96 (page 50) has to be rejected since it is based on a misquotation. It is stated that in 1924 His Highness was pleased to declare that in making our plans for the future, we have got to take note of the tremendous changes "inside and outside the State" in the recent past. I have read and re-read the famous Address of His Highness, dated 12th March 1924, which is referred to by my colleagues in paragraph 96, but I am unable to find anywhere in that Address the words "inside and outside the State" after the words "tremendous changes" (Speeches of His Highness the Maharaja, 1921-1927, page 74). What His Highness has stated is that "in making our plans for the future, we have got to take note of the *tremendous changes of the recent past.*" This statement cannot, in my opinion, be interpreted to justify the recommendation in favour of a declaration of the goal of 'Responsible Government'. On the other hand, these words which have to be read along with the explanation which His Highness himself has given about "the changes of the recent past", distinctly point to a contrary conclusion. Because, in the very next paragraph on page 75, His Highness refers to the history of Mysore "in the recent past" and states, "we have known neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment of the people, and the quickening and utilising of their energies in the business of the State. Progress of this kind has been the *constant aim* of the Government of Mysore.....
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.....". The whole of this historical Address is a convincing exposition of the continuous evolution of the constitution, suited to local needs and conditions and to the genius of the people, and as already stated above, the description of the "constant aim" or *Goal* of the Government cannot be given in more "perfect language", as remarked by Sir Wardlaw Milne, M. P., (paragraph 64). His Highness has no faith, like the late Justice Ranade, in the method of revolution in any sphere of life. He has a similar belief in historic continuity, and in the necessity of linking up the present with the past, in order to make progress a living force; and it is impossible to read in any

Misquotation of His Highness's Address.

other sense the open declaration of His Highness on 20th October 1926, that "our future must have its roots deep in the past", and that "in any re-construction of our political policy, we could not, and should not, cut ourselves off from all our historic past" (*Vide* paragraph 69 *supra*). The misquotation is to be regretted, and the argument based upon it must fall to the ground. It is true that the difference consists only in a few words, but they are sufficient to cause a misapprehension. As pointed out by Sir Maurice Gwyer, Chief Justice of the Federal Court, even a single word or a phrase may take a colour from its context and bear different senses. (The Federal Law Journal of India, 1938, Vol. II, parts 1 and 2, p. 9.)

Declaration of war.

74. Now that war has been declared, every other question has to be kept in the back ground. We are in the midst of a great world crisis, and the present war is a war of destruction. The dominating factor in European politics at present is "Totalitarianism," and the entire structure of civilization, economic, political and cultural, is likely to be thrown into the melting pot. Democracy is on the defensive, and war is not a congenial soil for democratic experiments. Again, a war creates an occasion of emergency which inevitably leads to the restriction of freedom. Agitation, free press, and even self-government if suspected, may all disappear almost overnight. It is well known that democracy in Britain received some setback during the last war. The Parliamentary system had to be modified to suit a period of emergency. The working of the party system was suspended; and such important civil and political rights as freedom of speech, association and press—which are always associated with a democratic Government—were considerably limited. Even in America, which joined the war at a late stage from altruistic motives, the reactions of the war were positively undemocratic. India's security really lies in the strength of England, and self-interest demands united action to help England, without conditions and without any bargaining in the matter. The fine sentiment expressed by His Excellency the Viceroy in his message is sure to find an echo in every Indian heart, and the whole of India including the Indian States ought to pool their resources, and give their whole-hearted sympathy and support to Britain to enable her to uphold right and justice against wrong and oppression. The Indian States

are units of concentrated power and strength, and nothing should be done in this hour of great crisis to weaken their hands. The one engrossing subject is that of war, which demands the undivided attention of His Highness the Maharaja, and it is unwise at this juncture to press for a declaration of the goal of 'Responsible Government', which necessarily involves the transfer of power to the hands of the people. I am not at all in favour of a declaration of the goal of 'Responsible Government', or its definition or formula, as recommended in paragraph 121, about which I propose to make a few remarks in the following paragraphs.

CHAPTER IV.

Mr. Gundappa's formula.

75. I now proceed to examine Mr. Gundappa's "formula" or definition of the Goal of 'Responsible Government', as enunciated in paragraph 121. It is as follows:— Mr. Gundappa's formula.

> "The goal to be kept in view in all constitutional reforms should be the establishment of a system of Responsible Government under the authority and protection of the Sovereign, *i.e.*, a system in which the administration is carried on by a Cabinet of Ministers appointed by His Highness the Maharaja and enjoying the confidence of His Highness and the support of the Legislature; the powers of His Highness to ensure peace, order and good government, to safeguard the interests of all classes of His Highness' subjects including the minorities, as well as to satisfy the terms of the Treaty with the British Government remaining unaffected and supreme in all circumstances, and the stages of progress towards the goal being determined by His Highness according to the measure of success attending the working of each stage."

All the arguments urged against the goal of 'Responsible Government' in the preceding paragraphs apply with equal force to this formula, which does not commend itself to me. In my opinion, it is a composite mixture of two conflicting political theories, and I am sure it will not satisfy the Mysore Congress. Responsibility to the legislature and through it to the electorate, is inseparably associated with the English theory of Responsible Government, and it is its legal incident. A system, without this inevitable legal implication, ceases to be 'Responsible Government' under the English theory, and this expression cannot be used to describe such a system. If it is to

be a system with its recognised legal implication of responsibility to the legislature, then the Sovereignty of His Highness cannot remain, and it will be practically reduced to a shadow. When authority is transferred to the people's representatives, the Maharaja ceases to possess the power of affording "protection," and "a system of Responsible Government under the 'aegis' of His Highness" seems to be a contradiction in terms. No attempt has been made to reconcile the conflict between the two different theories, which is manifest on the very face of the so-called formula. To deprive the theory of 'Responsible Government' of its legal implication, and to demand that the above expression must be understood in a different sense contrary to the meaning attached to it by the British Parliament as well as political thinkers is, in my opinion, to propound a new conception unknown to the English theory and to adopt a new procedure unknown to the English constitutional law. It is not open to constitution-makers to borrow a political theory and reject its vital attributes, or to claim to invest it with a new sense and a new importance entirely inconsistent with its implication, and yet profess to retain the original model. The proposed formula has no parallel in any other country. It represents neither the Mysore theory nor the British Indian theory. It is a mixture of both leading to much confusion. It is like attempting to ride two horses at the same time, and it is neither comfortable nor safe to make such an experiment. According to the formula, the proposed goal is to be a system of Cabinet Ministers appointed by the Maharaja and enjoying the confidence of His Highness. But under the English Cabinet system, the members of the Cabinet are to be the leaders of the majority in the legislature to which they are responsible, and the position of the Cabinet as the executive government marks the supremacy of the representatives of the people, which is inconsistent with the Sovereignty of the Maharaja. If the implications of the Cabinet system of Government are to dominate this formula, the powers and prerogatives of the Maharaja will become inoperative, and no amount of fencing of words can alter such a result. If, on the other hand, the Maharaja's powers are "to remain unaffected and supreme in all circumstances," as stated in the formula, the system of Cabinet Ministers under "Responsible Government" will then cease to have any meaning. Moreover, the very pivot of the

Cabinet system of Government is the party system which—as everybody knows—does not exist in Mysore, and therefore the system visualised by the formula becomes unworkable in practice.

Ministerial Responsibility and its implications.

76. Again, the English system of Cabinet Ministers involves the important question of ministerial responsibility. According to Professor Dicey, ministerial responsibility means two utterly different things. One is the liability of ministers to lose their offices if they cannot retain the confidence of the House of Commons. The second is the legal responsibility of every minister for every act of the Crown in which he takes part. This responsibility is a matter of law, and it is not open to a Minister to get rid of his liability by pleading that he acted in obedience to Royal orders. If the act done is found to be illegal, the Minister concerned becomes at once liable to criminal and civil proceedings in a Court of Law. The position of a constitutional monarch is, *vis-a-vis* the Cabinet, also an extraordinarily difficult and delicate one, as pointed out by Professor Harold Laski. I do not believe that such a system is suitable to Mysore, or that it can be successfully worked in practice. The formula is, on the one hand, opposed to Dr. Seal's political theory in Mysore, which has been accepted by my colleagues as "fundamentally sound," and on the other to the ideals and principles enunciated by His Highness in his address dated 12th March 1924, which in the opinion of my colleagues are "still true and applicable to Mysore," and also to all the findings in the report regarding the ideals, achievements, and the working of the Mysore Constitution. While British Indian Congress leaders have openly stated that it is "not wise" to make a fetish of Parliamentary methods and "flimsy notions of democracy," why are these theories sanctified and pressed for acceptance in Mysore? Is this exaltation not based on the doubtful theory of moulding the whole of India into a uniform pattern? To ask for a declaration that the future goal is to have a system of Cabinet Ministers under 'Responsible Government,' and yet profess to preserve the Sovereignty of His Highness, his prerogative "remaining unaffected and supreme in all circumstances," is in my opinion to play with words and phrases of constitutional law ignoring their inevitable implications. Which is the dominant factor in this composite formula?

Is it His Highness' Sovereignty, or the people's Sovereignty? If a deadlock arises, whose is to be the predominant voice? If it is to be that of His Highness, how can it be called 'Responsible Government'? If there is no responsibility to the people (electorate), why should it be called 'Responsible Government'? The real issue is whether His Highness the Maharaja should rule as before, or whether it is the people's representatives who ought to rule. Has a plain verdict been given on this issue?

Respon-
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77. The advocates of this composite formula seem to think that the essential features of the theory of 'Responsible Government' could be mechanically grafted on the Mysore Constitution, in the face of their own findings that Mysore has evolved an independent constitution of its own, and that it "stands in a category by itself" among the Indian States (Page 51 of the Report). This is a weakness of most paper constitutions which have come to grief, and this valuable lesson of history should not be disregarded in constitution-making. My own impression is that the formula cannot be adopted without violence to the whole framework of the State's polity and the large mass of patriotic opinion in the country. The people of Mysore still adhere to the Hindu conception of Sovereignty, and are deeply attached to the Ruling family. The personality of His Highness is still a factor of great importance, and the fundamental principles governing an ancient Hindu State are as true to-day as they were in 1924. His Highness's powers cannot be reduced to a shadow, and he should not be robbed of the special prerogatives and responsibilities of his Sovereignty.

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impossible
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fresh
agreement
between
them and
the
British
Crown.

78. Again, the introduction of 'Responsible Government' is legally impossible without the active concurrence of the British Government. The latest pronouncement by Colonel Muirhead in April 1939 has a vital bearing on this question. If conflicts arise, in working reforms, regarding the fulfilment of Treaty obligations and lead to the overruling of the Minister, the legislature may support the Minister and easily create a deadlock which will paralyse the Government. To resolve the crisis the constitution may even have to be suspended. But such conflicts would make the Ruler most unpopular among the people. If he were to act with the people, his position as Ruler

would be in danger, and thus no Ruler may find it easy to rule over his State. Unless the British Crown and the Ruler of the State enter into a fresh agreement as to the exact form of Government to be substituted for the present constitution, 'Responsible Government,' in its real sense, can only remain an ideal almost impossible of achievement in Indian States.

High ideals and principles hitherto followed are degraded.

79. The recommendation for the declaration of the goal of "Responsible Government" at this stage of progress in Mysore necessarily presumes that the aims and objects repeatedly declared by His Highness are also "of an inferior kind." The logical consequence of this veiled condemnation, which is made in the guise of following "All-India tendencies," is that all aims and objects, political ideals, principles and methods of Government which till now had received a place of honour in men's minds, have been pulled down and dethroned. For instance, according to Dr. Seal's theory, the Sovereign in Mysore is the symbol of the basic unity of the Ruler and the ruled, and he is the supreme Executive Head as well as the source and sanction of law (Paragraph 106). But the very implication of "Responsible Government" is in conflict with this unique position which will be destroyed under the proposed formula. My colleagues declare that one "broad fact which cannot be ignored" is, that all power and authority are dervied from the Maharaja and are exercised in his name, and that a scheme of reform could only be introduced by a devolution of powers from the Maharaja (Paragraph 107). But in action they have ignored this very "broad fact," since under "Responsible Government" the theory of devolution vanishes like a puff of smoke, and power and authority are bound to vest in the people's representatives. The so-called fencing of words and phrases to the contrary, in the proposed formula, cannot be said to possess any significance in law. It may not be easy to compel the acceptance of their binding character in a legal controversy on the question of interpretation, and it may not be difficult for legal experts to raise a contention that all restrictive words and phrases inconsistent with the recognised theory of "Responsible Government" must be held to be void for repugnancy. In case of such controversies, which are bound to arise and for which there is abundant scope in the composite formula, who is to decide? Are the parties, that is, the

people on the one side and His Highness on the other, to apply to the Chief Justice of the Federal Court for favour of a decision, as in the case of Rajkot?

My colleagues have held in unmistakable language (Paragraph 107) that "the stand taken by the Seal Committee is fundamentally sound and requires reiteration at the present moment." If the full implication of this finding is to be taken seriously, it is impossible to justify the proposed recommendation for the goal of "Responsible Government" and its formula. For, the Seal Theory is in direct conflict with the theory of "Responsible Government" in any form, and the minority would have been grateful if my colleagues had attempted to reconcile this manifest inconsistency.

Objective of the proposals to satisfy two conditions as per Government order dated 1st April 1938.

80. Again, according to the analysis of the Government order which my colleagues themselves have made (Paragraph 75), the objective of the proposals requires two conditions to be satisfied. The first condition is to promote the contentment and well-being of all classes of His Highness's subjects. It is a truism that "Responsible Government," or any other form of democracy, is only a means to an end and not an end by itself. The mere form of machinery of Government cannot be an end in itself. A particular machinery of Government, either by virtue of its own defects or on account of the difficulties inherent in its successful working, may not be able to promote the contentment and well-being of the people. There is no authority to hold that "Responsible Government," by reason of its mere form, is invariably capable of being successfully worked by all people, in all countries, and under all circumstances. My colleagues themselves have given in paragraph 113 a comprehensive account of the difficulties associated with "the form of Responsible Government towards which political aspirations in Mysore are directed to-day." It is stated in the said paragraph that according to Lord Bryce, the English constitution, of which "Responsible Government" in British India is a copy, is a complicated mechanism, and "would anywhere but in England be full of difficulties and dangers." Mr. Gundappa, who is the author of the scheme of "Responsible Government" and its formula, has himself confessed that "Responsible Government" is a very difficult form of Government to carry on. It has many

risks. It was tried in the continent of Europe in several countries, and nowhere has it proved a very great success, except in Switzerland and perhaps in one or two small tracts. Even in France it has not proved a success." My colleagues have similary confessed about the disappointing result of the working of Provincial Autonomy in British India (Paragraph 116). They say that it is "very difficult" to be sure whether it will at all develop "on the lines of the original model." If so, why are they enamoured of such a theoretical system? Why do they propose to impose such a difficult and unsteady form of Government on Mysore, which is quite happy without it? Having given "wise Counsel for Mysore" to proceed "on her own path" of development in paragraph 116, why have they contradicted themselves by giving contrary counsel in the very next paragraphs, *viz.*, 117, 119 and 121?

Second condition. Objective mentioned in the Address of His Highness.

81. The second condition of the objective required by the Government order is, that we should formulate our proposals "on the basis of the ideals and principles enunciated in the Address of His Highness in 1924." In paragraph 76, my colleagues discover in this Address great potentialities of constitutional importance and proceed to declare that it is a "charter of the political liberties of the people," "a guarantee of ordered constitutional progress in the future," and "a constitutional document of great and enduring importance." May I be permitted to ask whether my colleagues really claim to have formulated the proposed scheme on the "basis of the ideals and principles enunciated in the Address"? If so, are they prepared to name those ideals and principles? Does not the whole Address constitute a vindication of the Mysore political theory of the Sovereignty of the Ruler, and a negation of every form of "Responsible Government," since it is based on the opposite theory of the supremacy of the people's representatives? The truth of the matter is that what was praised in paragraph 76 was entirely ignored in paragraph 121, and I wish that the enthusiasm for the virtues discovered in the Address had been consistently sustained throughout. It will thus be seen that my colleagues have committed themselves to a recommendation which is at variance with the very objective set forth in paragraph 75. I have already

invited attention, in paragraph 52 of my note, to the importance of the first line in the second paragraph of the gracious message of His Highness to this committee, *viz.*, "I trust you to keep these same objects before you," which distinctly points to the objective to be kept in view in formulating proposals. The proposed scheme and its formula cannot certainly be said to have fulfilled the expectations contained in the gracious message. What the message contemplates in the most unmistakable language is evolution, and not a revolution.

Sir Mirza Ismail's Address in October 1937.

82. Similar remarks apply to the so-called "Basic Factors" in paragraph 97. Reference is made to the general considerations to be kept in view, in formulating the scheme of reform, as laid down in the Dasara Address of Sir Mirza Ismail in October 1937, which my colleagues have elected to quote with approval. But the scheme recommended by them involves, in my opinion, a complete departure from every one of the considerations which they themselves have admired. The "factors peculiar to our state" have not been recognised as "our guide"; the "caution" given has not been heeded; and "the best way of proceeding" suggested in the Address has not been adopted. Curiously enough, my colleagues have done the very things which the Address wants to be avoided. The recommendation is actually based on "theoretical abstractions". It is an "uncritical imitation" in the guise of following "All-India tendencies," and it is a "wrested concession," being admittedly a surrender to "unscrupulous propaganda." The Address suggests in plain language to allow the constitution to evolve on its own lines, "in forms appropriate to its own character and environment". But can it be said by any stretch of the imagination that the form of 'Responsible Government' now recommended, is a "form appropriate to the character and environment" of the Mysore Constitution?

nconsis-ency etween aragraphs 1 and 240.

83. There are some more aspects which reveal the inconsistency of my colleagues. While criticising the Congress Scheme in paragraph 91, they state towards the end of the paragraph, that "the Congress scheme instead of being a system of "Responsible Government under the ægis of the Ruler, would on the other hand be one under whose ægis the Ruler will be allowed a nominal and

precarious existence." Their criticism is that, under the said scheme, the Royal prerogatives are exercisable only at the bidding of the ministry, that the power of veto over legislation is not exercisable at all, that it involves the declaration of the Sovereignty of the people, and that "such a declaration is nothing short of a travesty of the facts and a strange reversal of the actual position" (paragraphs 90 and 91). But in the concluding portion of the report (paragraph 240) they declare that their "ultimate objective" is also the same as that of the Congress, and that the difference between themselves and the latter consists "only in the pace of approach to the goal." If so, is this not a surprising revelation? If the "ultimate objective" of my colleagues and that of the Congress is one and the same, one is driven to the irresistible conclusion that, according to their own arguments in paragraphs 90, 91 and 240, their ultimate object is really to establish the Sovereignty of the people in Mysore exactly on the lines set forth in the Congress scheme and to destroy the Sovereignty of the Maharaja. It will thus be seen, that what they have themselves condemned in unmeasured terms in paragraphs 90 and 91, has been openly exalted and commended in paragraph 240. Is this not really a strange result for my colleagues to arrive at towards the end of their labours?

Inconsistency between findings in paragraphs 77 and 78, and the recommendation.

84. While making a reference to the difference in conditions between British India and Mysore, pointed attention is drawn in paragraph 78 to an "interesting observation," contained in the Dewan's Address to the Representative Assembly in 1908, which states that "it would be sheer folly" to be misled by "catch phrases" and allow ourselves "to be seduced from our duty to ourselves and to the State." If this "interesting observation" possessed some intrinsic value to be quoted with appreciation by my colleagues, how did it lose that value at the time of formulating the scheme about the goal of 'Responsible Government'? Again, after stating that the commencement of the recent agitation for 'Responsible Government' in Mysore coincided with office acceptance by the Congress in the British Indian Provinces, my colleagues have recorded the following important finding in paragraph 77:—

"It is our profound conviction that any blind attempt to copy the evolution in British India, ignoring the traditions in vogue in an

Indian State like our own, will be fraught with serious consequences. As has been well observed by the Seal Committee, political institutions could not be imported wholesale from abroad."

There is much to commend itself in this finding, and I wish that the "profound conviction" and the correct observation of the Seal Committee had taken their logical course and influenced the judgment of my colleagues when they formulated the Scheme of the goal of 'Responsible Government' and its formula.

Mr. Gundappa's presumption against the Mysore Constitution.

85. It is not usual for constitution-makers to start with presumptions regarding forms of Government. My colleague Mr. Gundappa, who is responsible for all the three propositions about the need for the goal, declaration of the goal in the terms of "Responsible Government," and the formula regarding it, somehow presumed the superiority of the system of "Responsible Government" in British India and the inferiority of the Mysore Constitution. In his conception, Mysore possesses "an inferior kind of constitution," and this is his "supreme reason" for his asking for "Responsible Government," as declared by him on 13th December 1938. His formula is entirely based on this presumption, though it does not purport to state it in so many words, and every one of its implications about "Responsible Government," carries with it a condemnation of the Mysore constitution. Whether the Mysore constitution has been an "inferior kind of constitution" from its very inception (1881), or became "inferior" subsequently, and for what reasons, are matters which are not made clear either by Mr. Gundappa or his supporters. To say that the system of "Responsible Government" in British India is the only good form of Government which ought to be introduced in every country, irrespective of all other considerations, is to make a proposition which is too extravagant, and there is absolutely no authority to support it. The constitutional problems relating to British India and the Indian States, which have perplexed jurists and statesmen, have not yet been successfully solved, and the questions regarding Indian States are still matters of great controversy. It is well known that Mysore was the first State in India to introduce representative institutions and parliamentary methods of Government. Its constitution has been shaped into a democratic mould. It is worked in a true spirit of democracy, and it is really more democratic

in practice and operation than Provincial Autonomy in British India. It is a system built on the British model during half a century of steadfast purpose and honourable aim ; a system which has won the admiration of critical observers, both English and Indian, and to which other Indian States have looked for inspiration and guidance. Mysore has a right to be proud of such a record. The fact that we are looking to the future need not mean that we should be unmindful of the past. The existing edifice of Government in Mysore is a monument to the courage, political wisdom, and high purpose of those who have devised and successfully worked it, to which it is but fitting that we should, at the present moment, pay our imperfect tribute. It is more efficient and beneficial than "Responsible Government" in British India, and any person who condemns such a constitution as "of an inferior kind" must, at least, give strong and convincing reasons to justify such condemnation. Has Mr. Gundappa given such reasons? Or have his supporters furnished them? This presumption is a serious error in constitution-making, and in my opinion it is fatal to the validity of the entire recommendation regarding the goal of "Responsible Government" as well as its formula, since it is vitiated by the erroneous presumption. If efficiency, purity, stability, ideals and achievements are to be the standards of good Government, no impartial critic can condemn the Mysore constitution as "inferior," as Mr. Gundappa has done. I am one of the minority who strongly differed from Mr. Gundappa's condemnation of the Mysore constitution. With the best of intentions, I more than once suggested a regular investigation into the respective merits and demerits of the two systems, as can be seen from the proceedings of the Committee, but there was no response either by Mr. Gundappa or his supporters. The onus of proving the virtues of a new scheme is on those who advocate it, and it would have been a distinct advantage for everybody if such an investigation had been made and the findings formally recorded, with reasons on both sides for every finding. It is the duty of every responsible citizen to see that unsound theories do not gain currency in the country, and it was imperative that all possible aspects of the respective theories should have been fully threshed out. In the absence of such an investigation, mere pre conceived statements about the exaltation of the new theory in British India and the alleged inferiority of the Mysore

constitution must be deemed to be only dogmatic assertions. Such assertions cannot safely be accepted merely on the ground of the support of the majority.

Mysore Constitution is not "inferior." For reasons see Chapter III paras 51-74.

86. My opinion about the efficiency and virtues of the Mysore Constitution is not based upon any blind impulse. I have watched the course of events and studied the question of Indian States and the problem of "Responsible Government" in British India with some care and attention, and my belief has got the sanction of reasoned conviction behind it. I have endeavoured to show to the best of my ability in my Separate Note (Chapter III, Paras 51-74), that the Mysore constitution is not "an inferior kind of constitution," and that the British Indian variety is not a model of perfection as presumed by Mr. Gundappa and his supporters. If my arguments and conclusions are held worthy of consideration, then the proposed formula deserves to be rejected.

Mr. Gundappa's formula based on paragraph 117.

87. Mr. Gundappa's formula on the goal of "Responsible Government" (Paragraph 121) depends upon the "basis of the Scheme" propounded in paragraph 117. It is the quintessence of the recommendations regarding the goal of "Responsible Government," and the formula must stand or fall on the acceptance or rejection of this basic Scheme. A brief analysis of this Scheme is therefore necessary to understand the principles underlying the goal of "Responsible Government" as well as its formula. The basic principle of the Mysore Constitution, according to the admission of my colleagues, is that of the identity of interests between the Government and the people, and they admit that it is this principle which "has inspired all constitutional developments in Mysore." They do not say that this is an inferior principle in political science, or that a constitution evolved on this principle is in any way inferior to that under the theory of "Responsible Government," and there is also no authority for such a proposition. On the other hand, it is this identical principle which Mahatma Gandhi has advocated in his formula on the "Science of Democracy," to which I have made reference in paragraph 62. It is the same principle which, according to the Mahatma, constitutes the "spirit of democracy." Again, it is also admitted by my colleagues that in the successive schemes of reform adopted in the State during the last 58 years, "this purpose of enabling

the citizens to realise the fundamental oneness between themselves and the State has found progressive fulfilment." It will thus be seen from the above admissions, that it is the "spirit of democracy" that has inspired all constitutional developments in Mysore from 58 years, and that the Mysore constitution has also "enabled the citizens" to realise the fundamental unity of interests. The development has therefore not only been logical, but also in accordance with a great democratic principle. "Model Mysore" must therefore be said to have successfully passed the test laid down by Mahatma Gandhi in his scientific formula, and deserves to be accorded the highest rank in the whole of India. If so, is not the Mysore constitution entitled to be recognised as an ideal one? How can it be said to be "inferior"?

Belief of majority that "consummation" of Mysore policy lies in "Responsible Government."

88. But what is the view that my colleagues have taken? Having elevated the Mysore constitution to a certain height, they suddenly change and jump to the opposite conclusion, and without assigning any reasons, summarily proceed to hold that they "believe" that the Mysore policy will find perfection ("consummation") "in the establishment of Responsible Government." What are the grounds of this belief, and why are they not stated? Is there any authority to support a verdict of this kind? I regret to state that the lines of reasoning are very obscure, and it is difficult to hold that the above "belief" is consistent with their own findings in the same paragraph. Having all along commended the Mysore policy, they suddenly condemn it by imagining it to be imperfect without pointing out its imperfections, and they commend the very system which they themselves had condemned before, and go a step further and attribute prefection to it, a virtue which has neither been proved, nor claimed either by the authors of that system or those who are working it as an experiment on trial. If a policy has been found to be good and if it has achieved success from 58 years, does wisdom consist in abandoning it in preference to a contrary policy of doubtful value? While the authors of the Joint Parliamentary Committee Report declare that the carefully guarded instalment of reform known as "Responsible Government" is given to be tried as an experiment, and my colleagues are also not satisfied of the result of that experiment according to their

own admission (paragraph 116), is it logical to recommend the same experiment to be repeated in Mysore? With great respect to my colleagues, I am constrained to observe that according to their own findings and arguments they have made a strange recommendation in favour of the goal of "Responsible Government." It is like a judge recording his findings on all his issues in favour of one party, giving strong reasons in support of each finding, and then suddenly developing a dislike to that party and giving his final decision in favour of the opposite party, without assigning any reasons to justify his changed attitude. It does not require much argument to hold that such a decision is opposed to the rule of reason, and thoughtful people will find no difficulty in rejecting it as being unsound and untenable. Hence, the Scheme of the goal of "Responsible Government" under paragraph 117, and the formula enunciated in paragraph 121, deserve to be rejected.

Duty of the mover of a proposition to support it by reasons and arguments. Mr. Gundappa's default.

89. It is for the mover of a proposition to support it by arguments, especially when it is intended to change the present form of Government. When such an important proposition is put forward for acceptance, it is his duty to explain its virtues and show how it is superior to the existing constitution, so as to carry conviction to the minds of others. When two conflicting theories are compressed into a new theory, and it is stated in the conventional method of a formula, it naturally requires an exposition to be free from doubt or difficulty. The report does not contain any such exposition (paragraphs 120 and 121) and does not state that any arguments were adduced by the mover, and I maintain that he advanced no arguments in support of this formula. The report itself carefully says "formula *proposed* by Mr. D. V. Gundappa" (para 120), and the word "proposed" is printed in italics to indicate that it must be understood in the strict sense of the term. The mover and his supporters presume perfection in the system of Responsible Government, though it is still on trial and has not passed the test, and condemn the Mysore Model by implication. It would have been more satisfactory for them, as constitution-makers, to have frankly stated for what particular reasons they exalt the one and condemn the other and marshalled their arguments for and against, in respect of both the systems. In the absence of any such reasons or

arguments, it is an up-hill task for a dissenting minority since they shall have to prove a negative. I contended both orally and in writing, along with some others, that "this formula was a composite mixture of two conflicting theories," and I am surprised to find that my colleagues have made no attempt to meet our objections or to reconcile the conflict which, I maintain, is manifest on the very face of the proposition. The unproved formula is therefore to be treated as a mere assertion, and it is only a slogan borrowed from British India. Its supposed virtues are certainly not self-evident, and since no reasons and arguments are stated why it should be accepted in preference to the existing constitution, I contend that it deserves to be rejected on that ground alone. From their omission to state any such reasons and arguments, I am entitled to draw an inference that they have either no good reasons to support it, or that they are not such as to stand scrutiny or criticism. No doubt the majority are in favour of it. But how can it alter its probative value? In the absence of any arguments in support of it, and in the absence of even the shadow of an attempt to meet the objections or to reconcile the manifest inconsistency, I submit that mere numbers cannot be a substitute for argument. Our function is to weigh the reasons and arguments, if any, and not to count mere numbers. This unusual procedure forcibly reminds me of the two recent constitutional authorities quoted by my colleagues themselves (Herman Finer and R. Bassit), who have emphasised the significant propositions that it is not safe to assume that wisdom lies in numbers, that might becomes equated with right when the majority assumes infallibility of judgment, and that there is no more hopeless and crushing form of tyranny than the tyranny of a majority (paragraph 108).

Requisite qualities to work "Responsible Government."

90. The system of "Responsible Government," as already pointed out, pre-supposes in those who work it such a perception of, and loyalty to, the common interests as enables the decision of the majority to be peaceably accepted. There must in fact be not merely a certain capacity for business, but, what is much more important, a real perception of the public welfare as something apart from, and superior to, the individual good. The basis of the whole system is a lively and effective sense of the sanctity of other people's rights. These are the true tests,

and I honestly believe that the people of Mysore do not possess these qualities. Though they are greatly affected by education, occupation, and social organisation, they ultimately rest on the traditions and habits of thought of the people.

Formula is embarrassing.

91. "The body politic is a complex growth, manifold whole, with closely inter-dependent relations among its several parts and divisions," which have always to be borne in mind in suggesting changes in the constitution. Some of the soundest political thinkers have propounded in no uncertain terms their opposition to artificial arrangements in politics as opposed to a living, active, and effective organisation suitable to the temper, tradition, and mental habits of the people. The assumptions underlying the formula are based on the doubtful value of a new political theory still on its trial as an experiment in British India. The composite mixture of the two conflicting theories has no parallel in Constitutional law, and it may possibly embarrass Congressmen, the Government, His Highness the Maharaja, and the Paramount Power, and also lead to endless controversies about interpretations on clauses and phrases contained in the formula and their legal implications. It is a perilous recommendation full of difficulties and dangers, and I beg to differ from it. Our unanimous proposals for broadening the franchise, increasing the scope of the Representative Assembly, providing the Legislative Council with an elected majority and a non-official President and a Deputy President, and appointing two non-official Ministers to the Executive Council are all forward steps in the path of democracy. The question of the goal of Responsible Government is one which admits of honest differences of opinion, and if caution marks the outlook of those who have a genuine desire to respect Mysore's uniqueness and avoid British India's mistakes, let them not be misunderstood as being less patriotic on that account.

Conclusion.

92. In conclusion, as I was not given an opportunity for a full discussion on this important subject, *viz.*, Mr. Gundappa's formula on the goal of Responsible Government, I desire to make a record of this fact.

P. MAHADEVAYYA.

NOTE OF DISSENT

BY

MR. D. V. GUNDAPPA.

TABLE OF CONTENTS.

PART I—Responsible Government Issue.

Section		Page
1.	Purpose of the Note	223
2.	The Central Issue	224
3.	Why a Declaration of the Goal?	224
4.	Some Reasons for preferring Responsible Government...	226
	A. Basic and General	226
	B. Practical and Expediential	230
5.	Comparative Merit	233
6.	Objections and Doubts	234
	(1) What is there in Form?	234
	(2) "Satya" and "Dharma"	235
	(3) Excellence of the present system	236
	(4) Why Westernize?	236
	(5) Have we not Democracy enough already? ...	238
	(6) Are not Parties a pre-requisite?	238
	(7) Party Dictatorship in British India ...	239
	(8) Two Foreign Models	239
	(9) Is not trusting the Sovereign enough? ...	240
	(10) Why not trust the Suzerain?	241
	(11) The Treaty Difficulty	242
	(12) The Sovereignty Question	244
7.	The Committee's Formula	247
8.	A Personal View	248
9.	Preparatory Stage Necessary	250
	Difficulty I—Communalism	250
	Do II—Insufficiency of Material for Ministries	250
10.	Comparison with Madras	252
11.	The Paradox of Democratic Progress	253

PART II—Preparatory Arrangements.

12.	Historical Background—Supplementary	255
	Representative Assembly's Alleged Barrenness ...	255
13.	The Committee's Views Reviewed	257
	Resolutions in the Legislature on Constitutional Changes	257

SECTION		PAGE
	Impact of Ideas from Outside	257
	"The Rulers and the Ruled"	257
	Excessive Fear	258
	Mysore Congress Scheme	258
	Responsible Government responsible to Sovereign too	258
	Seal Committee's Philosophy of Sovereignty ...	259
	Why Majority rules?	259
	Self-government not mere Nationality ...	260
	Difficulties over-stated	260
	Unalterable Majorities, etc.	260
	The Goal Question	261
	Bi-Cameralism	261
	The Legislative Council	262
	Assembly's Initial Check	262
	A Too Elastic Power for Government ...	264
	Bills on Religious Matters	264
	Representative Assembly and Taxation ...	264
	Budget in the Representative Assembly ...	265
	Excluded Subjects	265
	The "Representations" Business	265
	"Consulting" the Representative Assembly ...	266
	Electorates—Joint or Separate	266
	University in the Representative Assembly ...	268
	President of the Representative Assembly ...	269
	Terms of the two Bodies not to be Conterminous ...	270
	Allowance to Representative Assembly members ...	270
	"Government's Responsibility"—an elastic phrase.	271
	Composition of the Legislative Council ...	271
	Removability of the Executive	273
	Executive and Legislature — the Address ...	273
	The Dewan or Chief Minister	273
	Disqualifications of Electors, etc.	274
	Law of Naturalization wanted	274
	Ages of Legislators	274
	Freedom of Speech for Representative Assembly ...	274
	Representation in Federal Legislature	275
	Disapproval of Proportional Representation ...	275
	The Government of Mysore and the Candidate's Pledge	276
	Fundamental Rights	276

SECTION		PAGE
14.	Real Scope of Present Reforms	276
	PART III—ADDITIONAL OR ALTERNATIVE PROPOSALS.	
15-A.	Need for Such Proposals	277
15-B.	The Proposals—	279
	(1) Constitution Act	279
	(2) The Declaration of Goal	279
	THE LEGISLATURE—	
	(3) Mysore Representative Assembly—Age, Education, etc. of Members...	279
	Representative Assembly's Sessions ...	280
	Representative Assembly's Resolutions ...	280
	Representative Assembly's President ...	280
	LEGISLATIVE COUNCIL—	
	(4) Number of Official Members	280
	Ages of Members	280
	Control over Public Expenditure ...	281
	POWERS OF BOTH HOUSES—	
	(5) Rules and Standing Orders	281
	(6) Questions of Privilege ...	281
	(7) Balloting for Resolutions	281
	(8) Communication between the two Houses ...	282
	(9) Legislative Procedure	282
	(10) Dissolution of the Legislature	283
	(11) Joint Standing Committees	283
	(12) Legislature's Check over the Executive—The Address	284
	(13) Auditor-General	285
	(14) Constitution Act and Courts	286
	(15) Citizen's means of Enforcing his Rights ...	286
	(16) Local Self-Government	287
	(17) Mysore in Federation	287
	(18) The Federal Candidate's Pledge	287
	(19) (i) Naturalization Law	287
	(ii) Who is a "Mysorean"?	288
	(20) Mysore for Mysoreans	288

SECTION		PAGE
16.	Conclusion	288
	Appeal to Fellow-Citizens	289
	Appeal to Government	290

APPENDICES.

A.	Three Resolutions of the Mysore People's Convention ...	291
B.	Freedom of Speech	292
C.	Balloting in British House of Commons	294

(12)

NOTE OF DISSENT

Appended to the Report of the Committee on Constitutional Reforms in Mysore, 1939

BY

D. V. GUNDAPPA

PART I

1. Purpose of the Note.

A separate note by me is necessary, because—

(1) although on a good many of the proposals submitted on behalf of the Committee I have voted as one of the majority, I have in several cases done so for reasons different, either in essence or in emphasis, from those of my colleagues; and I wish to indicate my own position;

(2) there are a few proposals on important matters in the Report which I am unable to support; and I wish to explain why;

(3) there are some proposals of mine, either alternative or additional to those of the Committee, for which I was not able to obtain the support of the Committee and which I wish to set out for the consideration of Government; and

(4) apart from the specific proposals, there are theories and arguments advanced in the Report with which I cannot associate myself; and these I wish to point out clearly.

This note is thus partly one of dissent, partly one of explanation and partly one of supplementation.

The Note is in three parts, thus:—I. Responsible Government Issue, II. Preparatory Arrangements, and III. Additional or Alternative Proposals.

2. The Central Issue.

I should like to state at once that the central point of interest to me in the work assigned to the Committee was the issue of responsible government. It has for over twenty years been my deep and unwavering conviction—

(1) that responsible government will, all things considered, be for the good of our country;

(2) that our people have the capacity to be educated and trained for it; and

(3) that it is, therefore, the duty of patriotic citizens to pursuade the Government to make that objective its own.

With this faith in me, I was among those who persevered with the suggestion that the Government should be moved to make it clear once for all that the goal of political progress for Mysore is Responsible Government—of course in a form suited to its circumstances.

3. Why a Declaration of the Goal?

Such a declaration, besides serving to re-assure the forward-minded political worker—which is no important consideration at this juncture,—would be a direction on the one side to the public services to prepare themselves for the change of regime that is to come and on the other side to the public to get ready for the new responsibilities.

I cannot endorse the Seal Committee's dictum (para 2) that "a costitution is not made, but grows,"—if its meaning be that deliberate planning and effort can be of no use and that drift is the better course. I believe that there is ample room for the conscious exercise of human intelligence and will in the development of a country's constitution. Let alone the constitutions of countries like France and the U. S. A. which arose from the

purposive deliberations of the general mind of their citizens, even the British constitution which, more than any other, is said to be the product of the natural evolution of social forces and historical events, is as much one "made" as one "grown,"—witness the Magna Carta, the Bill of Rights, the Act of Settlement, the Reform Acts, the Parliament Act, etc. It is one thing to say that a large part of every living constitution is made up of unwritten conventions, usages and understandings and is kept flexible in order to suit the unforeseeable exigencies of national affairs; it is an altogether different thing to suggest that there should be no planning and preparing at all and that our future should be left a plaything for chance. It is the latter proposition that ought not to be accepted.

The spirit and the temper of a people can express themselves as well in the formal or written parts of the constitution as in the unwritten or non-statutory parts; and there is no reason why, in this sphere of life, any more than in others, a hand-to-mouth existence should be regarded as the mark of the highest attainable wisdom. Definition of aim makes for both economy and efficiency of effort. It must, of course, be seasonable. At a time when the political ideas of the people were of a simple rudimentary order and the organs of public opinion still in their infancy, formulæ like "co-operation between the rulers and the ruled," or "association of the people with the administration," or "responsive government" may have served as adequate definitions of the political goal. They were indeed so well adapted to the conditions of those times that their very success has emptied them of their savour and made them fit in our time for the reposeful couches of the *daftar* room.

The education of the public mind that has gone on during the last 60 years of "the association of the people with the administration," and the development of their political sense which has resulted from the expansion and multiplication of the Government's own beneficent activities, have created the present popular demand for a more intimate and complex ideal, even as the very excellence of the mother's milk rouses the child's appetite for more solid and complex nourishment. Hunger grows and taste improves with the quality of what it feeds on.

If "responsible government" was a premature ideal some years ago, "no responsible government" will prove a grievous anachronism after 1939.

4. Some Reasons.

Of the reasons that support the plea for responsible government, some are fundamental and some expediential. Under the first head come the following :—

A. Basic and General.

1. The State is a moral institution, even as the family is, having for its object the habituating of the individual to thinking and feeling and acting in terms of the well-being of his fellow-beings. Apart from the pervasive influence which it exercises upon the character and out-look of its citizens by means of its laws and institutions and through executive agencies like the police and the magistracy, the State offers to them the decipline of corporate life, with its constant exercises in mutual considerateness and adjustment. This ethical ideal of the State is the best promoted only when the individual is induced to identify his own life with its life, even as he is by age-bred instinct and habit induced to identify his own fortunes with those of his family. The maximum degree of inducement for one's realising this kinship with one's community is offered only when citizenship is raised to its highest possible level of vital power and activity. The vote is the concrete symbol and instrument of the relationship called citizenship. The citizen who has the power, by his vote, of choosing his legislators and controlling his administrators would naturally feel a degree and an urgency of interest in the life of the State,—an alert and active kind of interest,—which is not to be looked for in one of a lesser citizen-status ; and to the extent of this fusion of one's enlightened self-interest with care for the community follows, silently and perhaps unconsciously, one's emancipation from the pettinesses and failings of a narrow self-centred existence. The *Chhandogya Upanishad* (VII-23) declares :—"Whichever is great and spacious, there in only is happiness; there is no happiness in the small and the narrow" (ಯೋ ವೈ ಭೂಮಾ ತತ್ ಸುಖಂ—ನಾಲ್ಪೇ ಸುಖಮಸ್ತಿ ॥) "Universalize your life,"—that

is the message. The highest spiritual achievement of the democratic State is that it provides the means for the expansion of the life of the individual into the life of the nation and so on into the life of nations.

2. With such moral elevation comes to the citizen a heightened sense of intellectual responsibility. If things go wrong in the domain of responsible government, he knows he will have himself and his fellow-citizens to blame, and not, as at present, an extraneous fate-like entity called the Government; because he and his fellows will themselves be the principals as well as the progenitors of the Government then. Thus arises to the citizen's mind a new meaning of education and a new use for enlightenment. He will be careless or uninformed in his judgement of public questions at peril to his own interests among those of his neighbours; and equally injurious is bound to be any error in the judgement of those whose votes are to be counted alongside of his. So arises the need for propaganda on the one side and debate on the other. The resultant will be a great intellectual aliveness in the country.

3. Responsible government is thus bound to make for the rising of the standard of human worth and efficiency. By the exercises it provides and the opportunities it offers for the intellectual and moral faculties of the citizen, it will help the development of personality, every one feeling not only free, but positively encouraged and invited to develop to its utmost whatever is of value in him, and to bring it for the service of others. Such self-fulfilment in the enrichment of life around, such self-realization in the realization of general good, is, according to the Vedanta, the achievement of the most finely evolved human being. Democratic citizenship is thus an indispensable auxiliary to Dharma. So much as to the significance of responsible government to the citizen on the individual side.

4. On the collective side, the advantages of the system are no less valuable. The greatest strength of a State is the loyalty of its people. Loyalty is properly the name of the attachment which a man feels for his community and consequently for its head and chief representative. Patriotism is the basis of loyalty or

allegiance. Now, loyalty is not an one-sided relationship. As Anson puts it, "the subject owes allegiance to the Sovereign, as the Sovereign owes good government to the subject." Both to ensure good government to the satisfaction of the subject and to make his attachment to the State spontaneous and full-hearted, it is necessary to make him an active sharer in the life of the State,—to enable him to feel that he too can be an effective force in the making of the government and its working. We are brought to this same view in another way. The vital power of a State resides primarily in the integrity of its body politic. Its people, including those who wield power in its name, should one and all realize in their lives that they, viewed in their inter-relationship, form but one undivided and indivisible entity in the world—order. This attitude can come about in the citizen only when the separatist consciousness implicit in phrases like "the rulers and the ruled" or "the Government and the people" is made to disappear, and the government is brought to be regarded merely as a limb,—a finger stretched forward, so to say,—of the people itself. I believe that when Dewan Rangacharlu, in the Government Order calling the Representative Assembly into being, expressed the hope that that arrangement would serve to "convince the people that the interests of the Government are identical with those of the people," he sought to transcend the existing dualism in the State's composition into an idealistic monism. Responsible government alone can give tangible shape and value to that monism. The people would then be the Government and the Government the people. This sense of their fundamental oneness, brought home to the two customary divisions of society by the fact of their mutual inter-changeability, is undoubtedly the first among all the assets of a State. The people would then feel in every part of their being that the State is theirs and that they are the State's.

5. Great and practically unlimited would be the moral and intellectual energies thus roused and mobilized for the service of the State. The popular upheaval may be depended upon to discover and bring up for use talent and character now lying latent and listless in the ranks of the general public. It is not to be assumed that the personal search of the Sovereign and the tests of the Civil Service Rules have between themselves exhausted the

country's stock of talent for statecraft. There are always as good pearls still left in the sea as were ever caught by the diver's fingers. If there had been no responsible government in Madras and Bombay, independent and public-spirited men like Mr. C. Rajagopalachari and Mr. Kher would either have had to waste their time and energy in sterile opposition or might not have been drawn to the public life at all. In either case, the country would have been the loser. It is no sound economy for a State to leave untapped its one grand source of constructive talent and ability for its service in the highest spheres, namely, the general intelligence, public spirit and good sense of its own public at large.

6. Above all, the demand for responsible government and the popular longing for power implied in it represent the urge of the creative spirit in the people. The desire not only to receive and enjoy, but also to plan and accomplish is a basic fact of human psychology. The child does not rest contented when it is fed and clothed; he would then want to run about and break and build. After the hunger for food comes inescapably the hunger for activity and power. No young man is thankful merely to be kept in comfort by the parent, without any opportunity left him to order things about. He would want power, and will not be happy unless he is able to use it, even unwisely it may be. Even so, a self-conscious people will not agree to remain perpetual recipients of boons and benefactions at the hands of a superior Government. They would rather walk about on their own legs, taking the risk of an occasional stumble than be carried about in cushioned palanquins by others. A people long accustomed to accepting and being content with the shrewd philanthropies and well-calculated ameliorations of a Providence-like administration are in danger of losing their backbone. Their impulse to take up responsibility and do things for themselves is a factor of tremendous significance for the strength and the vitality of the State itself. Once born, this power-hunger is not easy to be killed; and a patriotic Government will constantly ask itself, not so much what it has itself done for the people, as what it has enabled the people to do for themselves. Building up the manhood of the country—its spirit of self-effort and self-organization, of self-adventure and self-achievement—is the greatest of a Government's tasks.

Responsible government will correct the popular notion that the government is a sort of Deputy Godhead and illustrate to the people that man is the architect of his own fate—at least up to the point which the idiosyncracies of his fellow-voters will allow. He could assert his personality freely as a centre of feeling and thought on questions of the commonweal; and in any case, he could register his protest,—and protest to some purpose at least on one out of ten occasions. Once in five years it may be, and as one among a thousand it may be, he could yet feel that he too, in all his humbleness, is somebody in the State; that he too has a hand in the decision of certain mementuous issues; that he too is worth something to the life of his fellow-men. This accession of self-respect and this feeling of a raised moral stature are no small contributions to the meaning and value of human life.

The above paragraphs have not exhausted the fundamental considerations. I have tried only to point to some of them which are uppermost in my mind at the moment.

B. Practical Considerations.

The arguments of expediency need not take up so much space.

(1) The aspiration for responsible government has struck root into the popular mind. This aspiration is partly the outcome, as already noted, of the past statesmanlike policies of our Government both in the sphere of constitutional developments and in that of educational, economic and other administrational activities. Partly the aspiration is also the result of the influence of political events in British India; and partly, it must be added, it is the result of the propaganda carried on by local political workers. It is not statesmanly realism to belittle (as it is so easy to do) the significance of the local agitation. If to be overawed by the Congress propaganda is to get a false perspective, to underrate its effect is to seek shelter behind a false complacency. The Congress propaganda has certainly made an impression on the public mind; and the virus, if it may so be described, will persist, whether above the surface or underneath, until it is neutralized by the antidote of reforms for a genuine approach towards the ideal longed for.

(2) If there should be harmony not less than the very maximum of it attainable in the working of the Indian Federation, there should be no glaring contrast between the States and British India as regards their political character,—that is, as regards the status and citizenship-powers made available to their respective subjects. From a strictly legalistic point of view, it may be that there is no objection to autocratic States federating with democratic ones, even as there can be no objection, from the point of view of Railway Traffic rules, to perfumes being packed in the same waggon with manures. But the perfumer may be excused if he looked for a separate compartment for his goods. Federation is at bottom not a juristic concept, but a psychological and social compact. A non-democratic State in the federation would be to democratic British India what a meat-eater would be to a strictly vegetarian neighbour at the dinner. Co-operation between them cannot be of the most hearty kind.

(3) The yoke of Paramountcy is most galling and must be got removed for our sheer self-respect. But the State's emancipation from it can only be in proportion to the power of self-protection conceded to its people. When the people are charged with the power and the responsibility of looking after their affairs by the free exercise of their own collective choice and judgement, there can be neither room for the play of the outside hand, nor will the intrusion of that hand be tolerated by the people.

(4) At a time when the main functions of the Government were limited to the minimal purposes of policing and providing certain primary public utilities, a bureaucracy might have been a sufficient machinery of governance. But the field of State action has recently widened far beyond those limits, and governance is becoming a more and more complicated business. Side by side with this, classes of population hitherto not vocal are now acquiring habits of articulation; and the structure of society is becoming more and more complex, with multitudinous interests constantly in conflict with one another. At such a time, the responsibility of governance must prove too much for any body of mere officials. That responsibility can adequately be sustained only by those who have behind them the public of the State for support.

(5) All is not as we wish it were with our institutions of local self-government. Part of their poverty is in the paucity of men possessing (i) non-party public spirit, (ii) informed intelligence and (iii) fair economic independence and leisure to become members and workers. Not that there is not a sufficiency of men of this type in the State. But there is nothing in a Municipal or District Board membership to make it worth their while—excepting of course a few gentlemen here and there whose public spirit is of a level far above the average. (i) Under responsible government, the membership of the legislature with its ministry-making possibilities, would itself be a prize worth coveting, which it now is not; and there would be even more attractive prizes. That would give an impetus to aspirants in the field of public life; and solid work in the local board or municipality would prove the means of winning the prizes higher up. (ii) Incidentally, the example of public spirit set by the popular legislators and ministers may not go lost upon younger workers. (iii) It is also not unreasonable to expect that with the people's ministers carrying on the central Government, the kind of sympathy and guidance which the local bodies receive from above will be of a galvanizing and restorative quality.

(6) (i) New ideas and new schemes could be more certain of a sympathetic hearing and a fair trial under responsible government than under a bureaucratic regime. With fresh minds constantly in clash, the danger of ossification, ever lurking in the atmosphere of the red-tape, is made impossible. (ii) Ideals and policies originating under the auspices of a popular ministry have a better chance of permanency and assimilation into the body of the State's tradition than schemes initiated by an individual administrator coming into power occasionally. An institution set up by one Dewan (like the Economic Conference) may be scrapped by another without so much as a protest from any quarter. An industrial concern fostered by one administration may be crippled or neglected by another. But if the institution or the factory were one started with the active support of the popular legislature, it could always be certain of finding at least one party always in the legislature to stand up for it against its antagonists. (iii) From the point of view of administrative efficiency also, the balance of advantage is on the

side of responsible government. In the bureaucratic system, the irksome burden of vigilance and scrutiny is, in the highest stage, thrown on the shoulders of the Sovereign. Under responsible government, there are always the Cabinet and the shadow Cabinet to "play the sentinel" (in Bacon's phrase) upon one another and relieve the monarch of the difficult duty. (iv) Responsible Government is more favourable to a scientific distribution of power among the various organs of administration. Where the minister's right to office has got to be proved and renewed fron day to day, there can be no threat to the independence of the permanent official within the sphere of authority belonging to him under the law; and he would feel free to discharge his functions without fear from any quarter and without favour towards any. Each authority could fulfil itself according to accepted rule, viewing every question without undue regard to its personal involvements. (v) Incidentally, responsible government will place Mysore above the necessity of having to look searchingly beyond her borders time after time for a possible candidate for Dewanship. Mysore will at last come to be ruled by Mysoreans; and there will be some chance for her people to become more homogeneous.

5. Comparative Merit.

The above paragraphs, I submit, indicate some of the distinctive merits of responsible government as compared with other systems; and I have had to say so much on this topic because of the challenge which the advocacy of responsible government has provoked in certain quarters.* But it should not be presumed that I am either unaware or unmindful of its flaws and deficiencies.

I have not suggested that responsible government is going to abolish the difference between earth and heaven. I am not contending that the voter's judgment is infallible, nor that his morals are incorruptible. I am not saying that the leaders thrown up by democracy are always abler or more virtuous than administrators rising from the ranks of official service. It is not my ground that there will be less expenditure of public money or less burdens for the tax-payer.

* Please see my speech in the Mysore Legislative Council on 26th January, 1938, pages 124 *et seq.* of the Official Report.

Nor is it my point that the fluctuations of quality and efficiency in administration will be smaller or less frequent under a democratic regime than under a non-democratic one, or that the wheels of the administration will move with more speed and less screeching.

Nor even do I imply that democratic cabinets or committees can accomplish what a single super-man—King or Dewan or Dictator—can achieve by the magic brilliance and sway of his genius. Indeed the gift of a committee to genius is often a pair of leaden weights for its wings.

But if defects and demerits alone are counted, it will be hard to prove on a complete reckoning that there is much to choose between any two systems devised by man. Evil is so ubiquitous and so inescapable. The system of responsible government, like every other human system, has its seamy side.

What however should decide our choice is the merit which responsible government has to show over and above other systems. It is this:—(i) that it can both reflect better and satisfy better the norm of the people's ethos—their mind, their temper and their character; (ii) that it can save the State from the risk of revolution by keeping rival political parties engaged in curbing one another's excesses and correcting one another's errors; (iii) and that it above all contains within itself the seeds of anti-dote for the toxins that are inevitably liberated in the working processes of a human institution. Thus viewed, the claims of responsible government for preference stand unrivalled.

6. Objections.

Let me now proceed to consider some doubts and objections:—

(*1*) *What is there in Form*?—First comes the familiar facile tag from Pope:—

> "For forms of government let fools contend;
> Whate'er is best administered is best."

The poet has apparently lost sight of the truth that form and quality are interdependent. The buffalo cannot give

you the speed of the horse, because of the difference in anatomical structure or form. If " the best " is an ideal existing inside your mind and you wish to see it externalized, there are forms of government which are intrinsically incapable of rendering you that service, howsoever well you try to administer them. They are in fact neither " best administrable," nor " administrable to the best." Good " form " is a condition of good " quality " in government, even as in art.

(2) " *Satya* " *and Dharma* " :—The Royal rescript (page 4, para 3 of the Report) vouchsafes a solemn direction in two pregnant words— Satya and Dharma. The word *Satya*, coming from the root *As-Sat* (to be, to last) means " that which is real and enduring." The State's constitution should have for its basis those elements of human nature and those facts of social existence that are deep-rooted and permanent,—not simply those that are superficial and temporary. The *Mahabharata* indicates another test (3-209-4) :—

ಯದ್ಭೂತಹಿತಮತ್ಯನ್ತಂ ತತ್ಸತ್ಯಮಿತಿ ಧಾರಣಾ ॥

" Whatever promotes the highest good of beings, that is " *Satya*." Similar is the import of the word " *Dharma*," derived from " *Dhri* " " to bear," " to uphold." That which makes for order, stability, balance and equipoise is *Dharma*. Here is the Mahabharata's definition :—

ಧಾರಣಾದ್ಧರ್ಮಮಿತ್ಯಾಹುಃ ಧರ್ಮೇಣವಿಧೃತಾಃ ಪ್ರಜಾಃ ॥

" Dharma is so spoken of because it supports (the social order). The people are maintained in a settled condition by Dharma." There is thus nothing formidable or hostile to progress in these words. On the contrary, they support the cause of reform. Satya and Dharma are not static, because human life to which they refer is not static. While their essence remains the same, their shapes and postures change in adjustment to the changing needs of life. As Madhava-Vidyaranya points out, the everlastingness of Dharma is from the point of view, not of its form, but of its essence (*Pravaha nityatvam, na tu prakara nityatvam*). Though the water in the river at any given point is not the same for two consecutive moments, the unbroken and continuous flow of water makes it the river, and gives it a lasting sameness. Satya is a gem with a thousand facets : its appeal varies according to

the angle of the specator and the direction of the light-beam. So if *Satya* and *Dharma* have any meaning and relation to human life, we must constantly take care to sublimate their essence and adapt and re-adapt it to our ever-growing purposes. In other words, we must keep one eye on the eternal verities of human nature—its instincts and appetites and idealisms—and the other eye on conditions of social equilibrium and order and harmony. I am grateful the majority of the Committee see nothing incompatible between *Satya-Dharma* and responsible government (Page 75, Para 107).

(3) *The Excellence of the Present System :*—Has this not made Mysore the admired model for all States? Why make any radical changes now?—It is on record that the Duke of Wellington had found our Hallikar bulls so very helpful during the wars in Mysore that he sighed for a supply of them when he later on was fighting Napolean. I cannot persuade myself that if he had been living to lead an army to-day, he would have scorned to take advantage of the developments in motor transport.

(4) *Why Westernize :*—(a) Why should we copy a foreign polity? Is not our own system so interesting as a specimen of the old world? Will the Western pattern suit our scheme of life?—It is being hard on us to ask that we should make an antiquarian museum of ourselves for the delectation of curio-hunting foreigners. Apart from that, there is really nothing to be distinguished as Eastern or Western in forms of political organization. There was a time when England was under absolute monarchy, with the divine right of Kings in full sway as in any Indian kingdom. There have been autocracies in the West, and democracies in the East. It is no more correct to talk of Eastern or Western politics than to talk of Eastern as distinguished from Western physics, or of Eastern from Western mathematics. It is true that geography and meteorology make some differences in the conditions of our mind and body. But these differences are in the outer shell and cannot cut into the deeper strata of life which are everywhere the same—hungers goading and visions calling—and constitute the province of politics. Large parts of human psychology, as well as large parts of human physiology, are universal and not distinguishable from country to country ; and so, therefore,

are large fields of political action also. Government is a contrivance to serve certain human wants and longings: and the bulk of these wants and longings are common to all mankind. That is how the social experiences of one country are found instructive by another. If our Vibhuti or Namam may go well with neckties; if America-trained surgeons may attend to our Aryan or Dravidain bones and blood-vessels; if we may rejoice at the inclusion of Raman and Saha in the company of Einstein and Rutherford; if Shakespeare and Shelley may ravish our Kalidasa-ridden hearts and souls; if Macaulay and Maine may supplement or modify Manu and Parasara; what is there incongruous in that Mill and Bagehot are being invoked to re-model our polity? The incongruity is rather in the plea that the Eastern should remain bigotedly eastern—at a time when our thoughts are being internationalized and every man's life stands exposed to forces blowing from every quarter of the globe. It is well that life is compared to a mosaic. It may be we prefer to see in our design a saint's likeness instead of a soldier's; a fane's instead of a factory's. But the marble pieces that compose it cannot possibly be all of the same colour or of the same origin. Whence any of them has come is not a matter for concern; the beauty of the picture is all.

To say that a country suffers denationalisation or derogation of self-respect if it were to avail itself of the fruits of the experiments and experiences of other countries is to ask us to turn our faces away from light. Livy the historian has put it on record that the Romans, before they drew up their Table of Laws, sent a delegation to Greece, to study her code and constitution. In the same spirit, our forefathers incorporated into their essays in science, *e.g.*, astronomy and medicine, that which they found to be of value in the discoveries of the Greeks and the Arabs. For instance, scholars have shown that we owe our week-grouping of days to the Greeks (Yavanamatha). Indeed, we have been taught to offer our daily prayers turning our faces in the direction of the sun—the source of all light—whether he be at this point of the heavens or at that. When we accept for ourselves the lessons which a sister-country has to offer, we do homage to that which is universal in the achievement of our race and give evidence of our capacity to respond to the appeal of the great and the good which is not local but

cosmos-wide. Like the sun and the stars, the great things achieved by the human spirit, in whichever country and whichever age, are the common property of all mankind. Their significance and value transcend the limits of space as well as of time. When, therefore, we try to adapt for our own benefit something that has been fashioned by the experience of a sister-nation and has proved beneficial to her, we salute the Universal Man and place ourselves under his inspiration.

(5) *Have we not already democracy enough?*—Not enough to make it safe either to the State or to itself. A democracy which is denied opportunities of putting its ideas to the test of execution has every inducement to grow irresponsible. Those of its members that do not develop the habit of saying "ditto to Mr. Burke" will have to be content with indulging in vapid rhetoric and wanton opposition. A sense of frustration is soon bred, to be followed by outbursts of exasperation. Prof. A. B. Keith, speaking of His Majesty's Opposition in the British Parliament, remarks that "little or nothing is found (there) of the mere opposition to government characteristic of legislative bodies where responsible government is not practised."

(6) *Are not parties pre-requisite?*—Parties are not a condition precedent, but a necessity subsequent. They need not arise until the legislature has refused support to the first ministry formed out of itself. Genuine political parties can naturally grow only out of fundamental differences of principle or programme; and such differences will arise in a serious form, and be taken seriously, only when there is a chance of office open to the advocates of any one set of principles or programmes. The parties in England, as Sir Sidney Low tells us, "grew out of a series of historical accidents"—the revolt against the Stuarts and the dislike felt by a part of the public for some of their successors, and the need those Sovereigns were under to secure friends among the other parts of the public, and so on. It was only after the great days of Walpole that party became a thing of real consequence in the structure of the government. In this country, until popular politicians of any one group see a chance of getting ministerial power, the only party worth speaking of will be the party struggling to create that chance.

(7) *Party Dictatorship in British India.*—Some critics, pointing to certain dictatorial tendencies of the Congress Ministries in British Indian Provinces, argue that a popular ministry, though democratic in form, is apt to prove autocratic in its working; that they are over-hasty and too much given to fads; that in any case they are still on their trial and that their beneficial character cannot be taken for granted. It is true that they are still in an experimental stage and that the time is not yet to judge of their performance. Indeed, responsible government is a system new to the whole of India; and a decade or two must pass before the system can reach anything like its possible norm in this country. Till then, allowance must be made for oddities and obsessions in its working, even as we should be prepared for some over-frictional or wobbling trouble in the running of a motor-car just set up. A new constitution, like a new machine, must be allowed some time to get its various parts and bearings into proper adjustment. Apart from this, we must remember that the Congress is at the moment engaged in a grim fight against Imperialism; and it is only natural that the exigencies of this fight should modify and even supersede, if necessary, the normal forms and practices of democratic government. The supreme purpose of the Congress is the winning the Nation's freedom; and its Working Committee is the spear-staff in the fight. The requirements of the struggle, and perhaps occasionally it may be the idiosyncracies of the spear-men, may now and then deviate a Congress Ministry from the course which normally it should have pursued in a scheme of responsible government. The dictatorship of Wardha is an incident of the national fight; and when once the fight has ended in victory, we may be sure that the Congress Ministries will be left free to follow the usual rules and conventions of responsible government, without reference to any extra-constitutional High Command. There is nothing, thus viewed, to discourage us in the experience of British India. On the other hand, as already submitted, there is a moral and spiritual stimulus in it to our aspiration for a higher type of citizenship. They are doing things for themselves there. Why are we not allowed to do so for ourselves here?

(8) *Two Foreign Models*:—Some friends in search of a model constitution for an Indian State seem to prefer the Swiss or the American to the British one, because in

them the executive is a comparatively permanent body, *i.e.*, not removable by the legislature. Such a strong and irremovable executive which is not to be shaken by gusts of public opinion is specially necessary,—they say,—in an Indian State if things are to be achieved efficiently and speedily for the people. But, for one thing, Switzerland and the U. S. A. are not monarchical States while Mysore is one. For another—and this is the more important point—those who exercise power in the ultimate stage are in both those countries the direct representatives of the people. In the Swiss constitution, the representative legislature in some cases, and the general body of citizens themselves (acting by means of Initiative or Referendum) in others, is the supreme wielder of power. The Executive is a Board or Commission ; and the Houses of Legislature "may reverse whatever action of the Executive they please, even though it be merely administrative in character" (W. Wilson).

In the U. S. A., "the Cabinet officers are no doubt responsible to the President, not to Congress" (Bryce). But the President himself is elected for a term of four years ; and the Congress has the power of overriding any veto he may exercise over certain classes of its measures. Further, the principle of popular sovereignty finds expression in the entrustment of many offices (including even judgeships) to direct popular election, in the shortening of the terms of such offices, and in the delimitation of their spheres of authority. It is clear that neither of the recommended systems will do for Mysore. In a civilized State, there must be some one who will be prepared ultimately to take the blame from the public due to the commissions and omissions of the government ; and if the Sovereign should escape that blame, his ministers must be made to receive it.

(9) *Is not trusting the Sovereign enough ?*—The hereditary ruler of a well-governed Indian State is the inheritor of accumulated traditions of beneficent statesmanship and the repository of the experience and knowledge of generations of administrators. Is it not enough to trust him to secure the righting of the errors and deficiencies of his officers ?—Of course he must be trusted ; but the trust should not be such as will prove a burden to him affecting the dignity of his position

and its significance to the State. In other words, the trust in the Sovereign should be limited to cases in which, for any special reason, it is not desirable that the legislature should itself take final decisions. In short, the burden of responsibility put on the Sovereign for personal interference in the administration should be of the veriest minimum degree possible. Even in that case, it is no service to the office of Sovereign to make him responsible personally and individually for ultimate decisions. To do so is to expose him to public criticism and suspicion. It will take away all the halo of traditional sentiment and age-bred trustfulness which surrounds the occupant of the Throne. It will cause his name to be bandied about in political controversy and put under party categories. The destruction of that prestige which comes from being above party and above contention is the destruction of the chief public use of the institution of Royalty. It is from a realization of this truth that the British Constitution has built up the convention that "the King can do no wrong," so placing him above the possibility of attack and making the ministers the recipients of all attacks. So also has come about the law of the Belgian and other monarchical constitutions that every act of the king must be countersigned by a minister. It would be for the safety of the State,—apart from the peace of mind of the Sovereign himself,—to make it a convention that all acts, of whatever nature, purporting to have been done under the orders of the Sovereign are everywhere deemed to be acts done in pursuance of the advice tendered by the Dewan or Chief Minister, if not by the Cabinet as a whole.

(10) *Why not trust the Paramount?*—It is impossible to contemplate without indignation the suggestion that the Paramount Power may be trusted to rectify wrongs since the Ruler of an Indian State is, in his turn, directly and personally responsible to that Power. Neither our sense of self-respect nor our dream of an independent India will tolerate a position in which so much for our life and destiny is made to depend upon the mercies of the Paramount. On the contrary, as already submitted, our aim should be to turn the Paramountcy into an anachronism, a superfluity, a desuetude. This is to be achieved by the adoption of a constitution under which there can never arise any need for the interposition of a third hand between the Ruler and his subjects.

(ii) *Treaty difficulty.*—One obstacle to the granting of responsible government is said to lie in Articles 19 and 21 of the Mysore Treaty (1913) which lay down respectively that "no material change in the system of administration.....shall be made without the consent of the Governor-General in Council" and that that functionary shall have power to intervene "in case of necessity" and to take action not merely for good government, but also "for the security of British rights and interests." If we consider the history of the first of these two Articles (Art. 19),—for it has behind it a history of more than a century,—it is fair to expect that it will not be used to hinder progress in constitutionalism. As to the second Article (Art. 21) it is difficult to know the precise scope of it. It may be that, in the opinion of British authorities, British interests stand to suffer by the advance of democracy in Indian States. For all the statements and elucidations made in the British Parliament and elsewhere (Para 100-103 of the Report), the position continues to be ambiguous so far as the specific issue of responsible government in the States is concerned. That phrase has been avoided—I suspect studiedly—by the spokesman of the Imperial power. But to promote good government in the States is admitted by that Power to be a duty; and what its standard or pattern of good government is must naturally be inferred from what it has pledged itself to promoting in its own Indian territories. It is clearly responsible government. The Butler Committee declared (Para 50) that "if attempts in a State to substitute another form of government were due.....to a wide-spread popular demand for change,.....the Paramount Power would be bound to suggest such measures as would satisfy this demand without eliminating the Prince."

If reason should decide the matter, it is important to keep in view the precise point involved. What is proposed by the advocates of responsible government is not a re-definition of the respective jurisdictions of the Paramount Power on the one side and the Ruling Prince on the other, but simply a new mechanism for the operation of power in that limited sphere of the State's life in which the authority of the Ruling Prince is clearly undisputed and indubitable. What they desire is that the best-supported member of the elected legislature should be substituted for a person chosen in some other way for the

office of Dewan. The change sought is not related so much to the quantum of powers to be vested in the Dewan, as it is to the manner of filling that office. If the person selected on the strength of his popularity in the legislature declines to abide by such directions as the Sovereign may be pleased to give in respect of matters which legitimately come under his relationship with the Paramount Power, the Sovereign would be free to select another. Any one agreeing to be Dewan will do so on the distinct understanding that, in the region of the Treaty and connected affairs, his real responsibility is not to the legislature, and that while it would no doubt be his privilege to acquaint the Sovereign with the state of public opinion on matters falling within this extraordinary region, his duty will be to tender advice to the Sovereign without any reference to the legislature, and either to sponsor the decisions which the Sovereign may be pleased to take thereon, or to resign. In one word, the position will be just what it has been all the years till now in this department. It is only in those fields of government that are made accessible to the legislature that the legislature can call the Dewan and his colleagues to account. Why the Paramount Power should object to this arrangement, it is impossible to see. The Maharaja's responsibility to it for good government is not reduced a bit by the proposed arrangement; and there is an infinitude of power left in the hands of His Highness for use during crises and emergencies. As a matter of fact, the Paramount Power has not come in the way of the actual introduction of a degree of responsible government in some States. We may also take courage from the fact that the circumstances of 1939 are radically different from the circumstances of either 1831 or 1881 or 1913.

If that Power, however, chooses to put difficulties in the path of Mysore, it is due to the public of the State that they should be made to know that fact. We shall then see where to lay blame for our backwardness. Let us be told frankly where we stand and what the limitations of our autonomy and independence are. Until the British Government explicitly declares its opposition to any move towards responsible government in the States, it is fair that we should go on presuming that it is not hostile. But if it is feared that this faith, when put to the test, will bring us only disillusionment, let us

rather face that grim truth than live in a fool's paradise.

(12) *Sovereignty Question* :—Some friends have imagined that some difficulty is presented by the question of sovereignty to the introduction of responsible government in an Indian State. But they have not made clear to my understanding the precise nature or the location of that difficulty. The word "Sovereignty" bears different meanings in different contexts. In particular, it may be taken to mean :—

(i) the office of Sovereign, King or Maharaja ; or

(ii) the right to hold and exercise that office ; or

(iii) the powers belonging to that office.

With the first and the second of these, we are not concerned here. Our present discussions relate only to the third—namely, the powers belonging to the office of Sovereign. They are powers deemed to be necessary for the well-being of the body of the people who place themselves under one leader, chief or Sovereign and thereby form a political community or State. In other words, Sovereignty is the sum total of the powers arising from and incidental or ancillory to the will of a body of people to live together, in obedience to a common law or lawgiver. It is a political community's power of self-preservation and self-development, lodged for purposes of use in a person or in a group or heirarchy of persons. A community as such has claims to make both on its own individual members and on people outside its body, whether communities or individuals. Sovereignty is the power which the political community or State exerts to secure the fulfilment of these claims ; and that power can command for its service the entire moral and material resources of the community. The Government of India Act (1935) details the contents of Sovereignty as "rights, authority and jurisdiction" (Section 2). Sovereignty is like a tree which draws its sustenance from a number of elements made available by the soil and the atmosphere ; and these are furnished to it by countless roots and subroots and wealth of foliage. Or, sovereignty may be compared to a lake which receives its supplies from a thousand springs and slopes and valleys, and which, in its

turn, sends out its water to a thousand homes by means of countless channels and conduit-pipes. The sources are a million in each case; the seat and centre is one.

Discussions about sovereignty in the case of Mysore are of little significance for our purpose. It is a fact of history that a large part of her sovereignty, transformed as Suzerainty, passed into the hands of the British Power a long time ago. The remainder is internal sovereignty or internal autonomy. And in this region, the Sovereign has all along been acting through constitutional agencies. The question for the reformer, therefore, is not one of the origin or the seat of sovereign powers, but simply one of the mode of the operation of such powers. His Highness the Maharaja has ever been and will ever be supreme and omnipotent. But as already stated, he has been pleased to accept certain limitations, of his own accord, as to the mode and the instruments to be used in the exercise of his authority. The purpose of a constitution is not to determine the quantum of the State's sovereign powers or to delimit them. It is only to define the manner of the operation of such power as exists. From the very beginning, there has been, in point of fact, a certain delegation of powers made by His Highness to particular agencies for particular purposes; and to the extent of such delegation, there is already a self-imposed limitation—if the word limitation be the appropriate one to describe it—not on the sovereign powers of His Highness, but on the medium and the method of the flow of those powers. What the reformer would submit for the consideration of His Highness is the urgent need there is for a re-adjustment of the media.

It may be asked whether restrictions even as to the media and modus of power are not in themselves impedimenta on the free functioning of sovereignty. The frank answer is that this kind of limitation is inevitable in the very interests of sovereignty. Constitutionalism, in any degree or form, is the antithesis of arbitrary or despotic government. Every constitution properly so called does, in its very nature, imply certain restrictions on the practical operation of Sovereign authority. He who would leave sovereignty absolutely free and untouched should in logic stand opposed to any kind of constitution. In one word, the constitution is the Sovereign's pledge of

self-restraint; and it is this self-restraint that saves the Sovereign and the State from the danger that always threatens despotic sway. The people's expectation of protection made the State; and to fulfil that expectation is the one purpose of its chief authority, the Sovereign. *Salus populi suprema lex* (the welfare of the public is the supreme law). The recognition by the people of a leader or chief or king as the repository of the powers that issue from their collectivity is not a superstition or unreasoned sentiment. On the contrary, it is a rationalized arrangement; and the Sovereign would only be fulfilling the rationale of his office in so distributing the powers entrusted to him as to convey the greatest possible amount of satisfaction to the great body of entrustors. Just as it is necessary for the safety of the community that it should pool its powers together at a centre called the Sovereign, it is necessary for the security of that Sovereign that he in return should distribute as much of those powers as possible among the agencies of the community itself. The powers involved in the life-processes of the State keep flowing ceaselessly from the Many (People) to the One (Sovereign) and from that One back to the Many. The net-work of channels made for this flow of the life-blood of the body politic is its constitution. There is thus no justification for one's throwing up one's hands in amazement at the proposal that the operation of Sovereignty should be, not arbitrary or whimsical, but by defined methods and by appointed agencies. Even from a personal point of view, a Ruler would be consulting his own permanent interests in agreeing to put his powers into the circulatory mechanism of a constitution, *i.e.*, the Legislature, the Cabinet, the Judiciary, the Electorates and so forth.

It must at once be noted that it is not the whole of the powers of Sovereignty that is ever put into the system of constitutional circulation. An indeterminate reserve or residuum is always left at both ends. At the one end, it is the people's right to remonstrate and even to rebel if the government becomes unendurable. At the other end, it is the Sovereign's inherent right or prerogative to suspend the constitution and assume charge of its organs partly or wholly when it is seen to fail incorrigibly in respect of its essential functions. The greater the success of the normal working of the constitution, the smaller the

likelihood of the reserve at either end being called into play. From this it follows that the quantum of power that should be put into the constitutional mechanism by the Sovereign should be so much as (and not less than) is necessary for the satisfactory discharge of the normal duties of government at any given time.

7. The Committee's Formulation of the Goal.

In the formula recommended by the Committee, (paragraph 121) the field of Government is seen divided into two parts; one that may be described as the field of ordinary administration and the other as that of special responsibilities. It is only in regard to the first that the authority of the Legislature—which, it must be remembered, does include the Sovereign himself—shall prevail. In other words, it is only here that the Ministry will be held answerable to the Legislature. In the other field, the responsibility of the Chief Minister (or of the Cabinet) will be entirely to the Sovereign ; and the Legislature will have no manner of voice with reference to matters in that reserved province. For all practical purposes, the Maharaja and the Dewan will have each two distinct roles to fill: (1) the Maharaja (*a*) as the supreme head of the Legislature; and (*b*) as the supreme guardian of certain special interests, and (2) the Dewan (*a*) as the chief executive of the State responsible for ordinary administration to the Legislature (which is to include the Maharaja); and (*b*) as constitutional adviser to the Maharaja in the field of special responsibilities.

One doubt may here be raised. Responsible Government in essence means the substitution, in the office of Dewan, of a person supported by the Legislature for one chosen independently by the Maharaja. Is it not possible that the person furnished by the Legislature for the Dewanship may not prove acceptable to His Highness in the field of special responsibilities? At first sight, the question looks unanswerable; but a slight examination of the nature of the special responsibilities will show that, as a matter of fact, there is no substance in the objection. The special field is seen to be made up of three items: (i) Ensuring peace, order and good government, which in effect means remedial intervention in the event

of the failure or break-down of the machinery of administration; (ii) Satisfying the legitimate interests of backward and minor communities; and (iii) Relations with the Paramount Power. So far as the first of these responsibilities is concerned,—which is undoubtedly a matter of paramount importance to one and all,—if the Chief Minister were to resist the Sovereign, he can deserve no sympathy or support from the public, and the Sovereign would be fully justified in dismissing him. As regards the second and third responsibilities, the Chief Minister can have no interest in deliberately setting himself against the Sovereign. In the extremely unlikely and only theoretically possible event of the Chief Minister making himself unacceptable to the Sovereign in the special field, it will be open the Sovereign to remove him from office ; and the fact that he has been so removed for a reason other than a no-confidence motion or its equivalent passed by the Legislature would show to the Legislature that its choice was not compatible with the requirements of the special field of responsibilities. On the next occasion, the Legislature in the first instance, and if the Legislature were to fail, the electorates in the second instance, may be trusted to take the clue and produce a more acceptable person for the Chief Ministership. But the difficulty feared and the solution suggested are both, I am convinced, only for purposes of theory. In actual practice, I feel certain that the difficulty will not arise at all. His Highness's inherent prerogative powers would always be there to get over all contingencies and to obviate all constitutional crises.

8. A Personal view.

Before concluding this part of the Note, I have to state that the formula adopted by the Committee (paragraph 121), although of my drafting, is not a full or exact record of my independent view. Incidentally, I have to state that, as a matter of fact, three or four of my drafts were in informal circulation in the Committee from an early stage, before any other draft appeared. Having observed the attitude and temper of my colleagues and appreciated their difficulties, I tried to choose a form of words which, while not sacrificing the central idea, would also disarm opposition as much as possible. I made this

clear to the Committee on 4th May 1939 and submitted as follows:—

"Left to myself, I would state the goal simply as follows:—

"The goal of constitutional progress for Mysore is Responsible Government under the authority and protection of the Sovereign,—that is, a system of government in which a Cabinet of Ministers carries on the administration under the direction and control of the Legislature representative of the people and inclusive of the Sovereign whose inherent right and prerogative to take such action as may be necessary for the safety, peace and good government of the State, in case of the failure of the constitutional machinery, continuing unaffected and supreme notwithstanding anything in the provisions of the Constitution Act. The reforms now to be adopted should constitute as large a measure of advance in that direction as is practicable, provision being made as a temporary arrangement for such safeguards or concessions as may be necessary to reassure the minority and backward communities, and such provisions being subject to revision after two life-periods of the houses of Legislature. Further progress in the same direction will be determined on the recommendations to be made by the Legislature towards the close of its second life-period, after review of the experience gained in the meanwhile and the state of public opinion at that time."

"I consider it unnecessary to make any explicit reference in the proposition to the Treaty with the British Government. In the recognition of the Sovereign as the head of the Constitution and an integral element of the Legislature, all the treaties and contracts to which the Sovereign is a party stand recognised; and that should be sufficient. Further, I hold the view that the right of the citizen to work for the release of the State from the yoke of Paramountcy and Imperialism, if there be a legitimate way of achieving it, should remain unaffected in any case."

I should also point out that the above definition of the goal suggests a device to ensure further constitutional progress,—the device of automatic initiative by the legislature—unlike the Committee's formula which leaves the question formally for the decision of His Highness and therefore virtually to the discretion of His Highness's advisers, in other words to the Government. For obvious reasons, I should prefer the automatic way. Leaving this momentous question to the Executive Government again is to leave room for renewed trouble.

9. A Preparatory Stage Necessary.

Emphatically as I have pleaded above for the immediate declaration responsible government as our goal, I plead with equal emphasis for a period of preparation before its adoption in its fulness; and this for two and only two reasons:—(i) The present prevalence of communalism; (ii) The insufficiency of men for ministerial responsibilities.

I—Communalism.

The civic integration of people of various religious and caste denominations is a condition yet to be realised. Apart from Hindu-Muslim dissensions, there are unmistakable signs of the persistence (in spite of the Congress) of caste and sect loyalties, to the prejudice of State-patriotism, among the members of the Hindu community itself.* A Cabinet formed on the principle of communal representation cannot be either a homogeneous or an efficient body fit for the system of responsible government. In Madras and perhaps in Bombay, the Congress, by the overwhelming strength of its membership and its irresistable prestige, has recently been able to subdue the forces of communalism somewhat. There has been no agency in Mysore to bring about such improvement. We are now nearly in the stage in which Madras was some five or ten years ago when the Justice Party dominated the stage. Improvement here can be expected only as a result of two influences: (i) Closer Hindu-Muslim unity and a general subsidence of communalism in British India; and (ii) a hearty practising of mutual give-and-take and compromise as between the various communities in the State during the interim stage contemplated by the Committee.

II—Insufficiency of Material for Ministries.

The other difficulty arises from the fact that the number of political workers whom the several sections of the public would confidently vote for as men fit for administrative responsibility is not at present as large

*As pointed out by many witnesses who either sent memoranda to the Committee or gave evidence before it in person.

(according to my humble judgement) as is necessary for the inauguration of responsible government. The Committee contemplates a Cabinet of five. For the system to function satisfactorily, it is not enough if just five persons be found. The Cabinet must have an Opposition Cabinet of five, ready to take office when the first set resigns. And to fill up vacancies or to deputise on occasions, there must be at least five others in each group. That makes a total of 20 at the minimum. Then there are the offices of the President and Deputy President of the Legislature and perhaps of Parliamentary Secretaries and other functionaries. These various offices need men who possess not only a fairly high degree of education, but also some experience of public bodies and public affairs, besides being men of character, practical ability and some economic competence. It will not do to dogmatize that there are plenty of men of this description in the State. To say that there is no sufficiency of such men now is to cast no reflection whatsoever either on the competence or on the devotion and earnestness of our public men. On the other hand, it is a criticism of the Government, implying that it has not so far held out adequate inducements to men of talent and ability and that it has neglected the duty of building up public life and preparing public men for responsible tasks. An enthusiast may say, in his impatience at delay, that any member of the Representative Assembly or of the Legislative Council may be trusted to do justice to a Ministerial Office. But that would be obviously untenable. In order to be made a Minister, the man who has succeeded in obtaining votes should at the same time be one who could obtain the approval of His Highness the Maharaja. For, let us remember that while the elected representative might in fact be the winner of the votes of only one party or one group or one community, His Highness is the guardian and therefore the representative of all other parties, groups and communities living in the State. It is obviously for His Highness to correlate the interests and the needs of the various sections of the public; and the confidence and approval of His Highness therefore must also be a factor, side by side with the candidate's popularity at the poll, in the choosing of a Minister. It must be admitted that there are sections of the public, and even of the educated public, who are not yet prepared to repose unqualified and complete trust in responsible government.

It is an undeniable fact that there are large masses of the population who have no notion of the new system at all. Of the interests of all such, His Highness the Maharaja is at present the undoubted custodian. This being the fundamental reality of our position, an enthusiast for responsible government must agree to go slow in the initial stages, must be prepared to consult the wishes of His Highness, must strive by delicate compromises to create confidence and goodwill in every quarter however humble and powerless it be.

10. Comparison with Madras.

It is as useless for the enthusiast to point to the success, such as it is, of responsible ministries in British India as it is for his opponent to point to their failings. All of us have got to take note of three facts in relation to British India: Firstly, the Montagu-Chelmsford reforms did give some education to the people in the technique of representative or democratic government and prepare the country for the later change.

Secondly, even in the vast Provinces of Madras and Bombay, the Congress Party does not appear to have had a plethora of men fit for responsible office. In Madras, one of the Ministers happens to be a gentleman who was something of a dissident from the Congress ranks and who nevertheless had to be invited to accept a nomination to a seat in the Legislative Council. In Bombay also it was no easy thing (to judge from my personal information) for the Congress to find proper men to fill the Cabinet. Not that there are not fit and competent men in the country at large ; but the difficulty is entirely one of ensuring success to them at the polls. When either party passions or communal prejudices are excessive, elections are naturally swayed by them ; and it is difficult to look for a fair and independent appreciation of the talent and merit of the candidate, apart from his party and communal affinities, at such times.

Thirdly, the worth of a Government is to be judged not from the one or two popular or spectacular things that it may accomplish in the beginning, like Prohibition or Temple-entry, but from its record in the routine departments of administration like the Revenue, Forests,

Education, Industries, Public Works and so on, and in the discipline and efficiency of the public service. It will take time for any government to produce an impression in these less spectacular fields of administration; and here the Congress Ministries are still on probation.

It would therefore be misleading for us to presume things either in favour of or against the Popular Ministries of British India. The just—as well as the safe—course is to suspend judgement.

11. The Paradox of Democratic Progress.

The method of the progress of democracy—like man's progress generally—is a method of compromise between its idealistic purpose and its actual raw material. The one reason, above all other reasons, for our preferring the democratic to other forms of social organization is that it helps most the development of the individual by inducing him to exhibit at its best all that is of value in him—his social sympathies, his intellectual powers, his merits of mind and spirit and personality. But as against this idealistic justification is to be remembered the stipulation that democracy can live and work well only if the individual is in fact of very fine quality. "Democracy for improving our natures; for improved natures, Democracy"—thus mutually contradictory, apparently, are the two sides of the case. When in such perplexity, it is habitual for us to describe it as a vicious circle and regard ourselves as imprisoned in that creation of our rhetoric. But to speak soberly, there is no reason why we should imagine the two sides of the case as in a state of circular chase, or even as on two parallel rails. They can be brought into correlation and mutual adjustment by human will and intelligence, as—for example—are our hunger, which for its satisfaction calls for the exertion of our energy, and the quantum of initial energy, which must exist before any exertion for the satisfaction of our hunger can take place. There is only one way of acquiring the virtues required for democracy—which is actually to begin working at it, just as there is only one way of learning how to swim—namely, to plunge straight into the pond. But even as the novitiate in water has got to put up with the saving impedimenta of a life-buoy, citizens new to democratic

institutions should, in their own interests, agree to accept certain safeguarding and gradualizing contrivances in the beginning.

He must be a bold man who would chalk out beforehand, in precise and rigid lines, the path for the constitutional progress of a people. A hundred undreamt-of factors are likely to rise up at every step to block our pre-determined path and force our feet in a different direction. Human nature being a complex, about whose exact reactions to any contingency none can be too certain, any attempt at being quite logical and punctilious as regards details is doomed to disappointment. Only the broad outlines we should try to make clear to our own minds. As to details, we must be prepared to meet each problem as it arises and to make what compromises might be unavoidable. But the most important consideration I have to submit is that the fear of possible contingencies and the theoretical difficulties of a future day should not be allowed to stand in the way of our heartily accepting what, on larger considerations, is admitted to be a desirable ideal and laying out a general plan for a speedy approach to it.

PART II.

Preparatory Arrangements.

(The numerical paragraph references are to the Paragraphs of the Committee's Report.)

12. Historical Background—A Supplement.

Before proceeding to those parts of the Report on which I have comments to submit, I should like to supplement briefly the information furnished in the Report on the growth of popular political aspirations in the State.

Para 41. *Representative Assembly's Alleged Barrenness.*

It is not quite accurate to say that until 1913, no practical suggestion had been put forward by the Assembly as to the ways of increasing its usefulness. In the days of Sir K. Seshadri Iyer, attempts had been made repeatedly to obtain sanction for the setting up of a Standing Committee of the Assembly to carry out its work throughout the year when it was not in session, and give close attention to public grievances and the policies and measures of the administration (1892). Among the sponsors of the idea were Mr. Anderson and Rev. Haigh besides Mr. M. Venkatakrishnayya, Mr. C. Sreenivasa Rao and other Indian Members. But that masterful Dewan would brook no such innovation. If no strong agitation for increasing the power and the importance of the Assembly took place in those days, the inference to be drawn is not necessarily that the non-official mind was sterile. For one thing, the overbearing attitude of the officialdom in those days was mortally discouraging to any non-official initiative in matters touching the constitution. For another, the official mind has always a way of discovering unsoundness and impracticability in any scheme or suggestion put forward by non-officials, however carefully thought out and based on experience the suggestion or scheme be, *e.g.*, the attitude of the late Mr. Montagu

and the late Lord Birkenhead towards the proposals of the Indian National Congress. It is a familiar attitude not only in Mysore, but also in the whole of India. The official, ensconced in the seat of power, can never see anything good anywhere outside his own files. Practically since those days, there has always been a group of forward-minded men in the Assembly to keep up the demand for that which is the essence of responsible government, *viz.*, the control of the popular Assembly over the executive. The Report itself records an instance of this, of 1888 (Para 20—iii). About 1909 and for some years thereafter, there were attempts made by the certain prominent members of the Assembly to form a Party in the Assembly. There was a " Sarvajanika Sabha " which lived for a time and used to meet during the Assembly season in the Nanjarajabahadur Choultry in Mysore. Then there was the Progressive Party for several years which used to meet in the Representatives' Home. Besides the late Mr. M. Venkatakrishnayya and the late Mr. C. Sreenivasa Rao, there were many engaged in those attempts at organization, among whom, I should mention Mr. Magadi Karnik Krishna Murthi Rao and Mr. Hosakoppa Krishna Rao as those who took leading parts. Outside the Assembly also, there have been attempts at popular organization. The Mysore People's Convention was held in Bangalore in December 1919; and in addition to adopting a resolution asking for reforms which constitute the substance of responsible government, a committee authorized by it produced a scheme of such reforms in detail. Three of the resolutions of that Convention are given as Appendix A to this Note. This was followed after a time by other organisations and conferences. The Mysore State Congress met in about 1926, and again in 1929. The Indian States' Peoples' Conference was held in Bangalore in August 1930. In April 1933, an All-Parties Conference was held at Madhugiri. All these several Conferences pleaded for responsible government, or its substance. I am mentioning these facts from my memory, owing to lack of facilities of reference at the moment. But as to their being authentic facts, I have no doubt whatsoever. And my object in citing them is to show (as against Para 77 of the Report) that the picture of responsible government did not burst on the view of Mysoreans all of a sudden on the morrow of Mr. C. Rajagopalachari's accession to office in Madras. It is an

aspiration of more than 20 years' standing, to put it at the least. Only, it did not possess the strength of numbers until the Non-Brahmin Party came to realise the significance of it and joined in the struggle for it.

13. The Committee's Views Reviewed.

Para 67. *Resolutions on Constitutional Changes.*

Nor is it correct to say that resolutions in respect of constitutional changes were discussed in the Assembly and the Council without at the same time recording that such resolutions were as often disallowed also. An instance happened in June 1934.

Para 77. *Impact of Ideas.*

I cannot agree to the evaluation which the Report makes of what it describes as "induced phenomenon" (Para 77). Even "induced phenomena" become acclimatised in the process of time and must afterwards be reckoned with as though they were factors as powerful as those described as indigenous. We know that a man's acquired characteristics play as large a part in his life as the inherited ones.

Paras 78 and 79. "*Rulers and the Ruled.*"

I must also express my dissent from the view embodied in paragraphs 78 and 79 about there being no cleavage between the Rulers and the Ruled in Mysore as there is in British India. The struggle of the Indian National Congress is divisible into two stages from the point of view of objective. The first was anti-alien and nationalistic; and the second is democratic. The racial aspect of the struggle may not be present in Mysore. But the latter issue, *viz.*, that of democracy, is as truly alive here as there. The distinction between the Rulers and the Ruled,—whether racial homogeneity is there or not,—is a working reality. The distinction will become vivid if we designate the two classes respectively according to the functions they perform for society, *viz.*, Tax-Spenders and Tax-Payers, or Power-Wielders and Obedience-Yielders.

Para 88. *Excessive Fear.*

It seems to me that the degree of fear of the consequences of illiteracy and propagandism shown in paragraph 88 of the Report is excessive. There is no part of the world in which half-educated men and demogogues are scarce, and the fact of their presence ought not to deter us from moving forward. Social thinkers like Graham Wallas and Walter Lippman have shown, from a systematic study of facts, how very hard it is to organize the intelligence and good sense of the community for fair and reasoned political judgment even in advanced countries like England and America. If we are going to wait for responsible government for the day when mob orators and credulous crowds will all have ceased to be, we shall be waiting till the end of time.

Para 91. *The Congress Scheme.*

With reference to paragraph 91 of the Report criticising the scheme of reforms put forward by the Mysore Congress, I wish to record my dissent from the opinions expressed by the majority, particularly towards the close of the paragraph. While I see nothing wrong in the scheme from the point of view of abstract theory, I hold that such a thing as an abstract theory is a bare intellectual concept unrelated to this world and has no pragmatic value. For practical purposes, a theory is sound only if it has taken note of the relevant facts and realities of the case; and in this view, I consider that the Congress scheme is for our day impracticable.

Responsible Government always responsible to the Sovereign also.

Para 105 (*Lines 8, 9*) alludes to a possible form of "popular government" not responsible to the Ruler. I submit that in a monarchical State, there can be no conceivable form of responsible government without the Sovereign or Ruler being himself an organic part of it and its very heart and head. To him is the rest of the Government always responsible,—even when there is responsibility due to the Legislature.

Paras 106 and 107. *Sealian Philosophy of Sovereignty.*

I am unable to understand the precise implications of the Sealian theory, and what I understand of it does not command my assent. My ideas of Sovereignty I have tried to set forth at some length in the first part of this Note. As for *Dharma* in the sense of the Smriti or social and public law, it is a thing that has come down from ages, made not by any one King or even any one Rishi or Law-giver. It is an accumulated inheritance of the community.

Para 108. *Why Majority Rules.*

The philosophy behind Majority Rule is not simply that it is prudent to bow to the superior brute strength of numbers (as the para of the Report at one point suggests), but also that the chances of the presence of wisdom are greater on the side on which there are more minds. The quantum of intelligence and varieties of temper and outlook as well as of experience are generally taken to be larger in a party of fifty than in one of ten. The popular adage "two heads are better than one" expresses the same common notion. Of course, this notion is not of universal validity. It may well be that the bigger party is all made up of dunces and the smaller one of thoughtful men; but some working device must be found of resolving public difficulties; and on the assumption that the thoughtful and the thoughtless are generally to be found mixed in every group or section of people, Majority Rule has been accepted not as an absolutely satisfactory and infallible rule, but as one which makes relatively for practical convenience and the disposal of public business. The habit of obedience has its origin in trust; and the average man trusts the decision given by ten sooner than the decision made by just one man. Of course, there are great tracts of human life and vital problems of human existence to which it would be absurd to apply the Majority Rule; and in a legislature the Majority which omits to make all possible attempts to reconcile minorities, and treats them with resentment or with neglect, is not a wise majority and it cannot hope to last long. All wise parliamentary decisions are majority-minority pacts. That is the British tradition. The majority does not ride rough-shod; the minority does not sulk or recalcitrate. Both explore ways towards agreement.

Para 112. *Is Self-Government a matter of Nationality only?*

I am not sure that it is correct to say that Mr. Gokhale was satisfied with self-government in the sense of racial identity between the Government and the people. In the year 1908, addressing the 23rd session of the Indian National Congress, on the eve of Minto-Morley Reforms, Mr. Gokhale described the progress of India's political movement as follows:—

"From agitation to responsible association, and from responsible association—a long and weary step, but the step will have to come—to responsible administration."

This was nine years before Mr. Montagu, accepting the phrase suggested by Lord Curzon, made the pronouncement on Responsible Government for India in the British House of Commons in August 1917.

Para 114. *Over-stated difficulties.*

I must observe that the Joint Parliamentary Committee, while enunciating sound principles, is guilty of exaggeration in its findings as to facts; and it is guilty of a serious omission in not having attempted to ascertain how much of communal antagonisms and jealousies is to be attributed to the policies pursued overtly and covertly by the Government itself.

Para 115. *Unalterable Majorities, etc.*

I do not share the feeling that in the British Indian Provinces, the Hindu and Muslim majorities and minorities will aways remain so in the legislatures, and that the majority community will exclude the minority from seats of power. So far as the Congress Ministries are concerned at any rate, they have everywhere tried to take with them at least some representatives of the Muslim and other minority communities. It may not have given full satisfaction to the minorities concerned, but the token of a sincere desire to conciliate and win them over is surely there. To the charge of absolutism brought against the Congress Party, I have made answer in Part I of this Note.

Chapter III—Section V of the Report.

Paras 117-121. "*The Goal of Constitutional Reform.*"

On this whole Section, I have submitted my comments in Part I of this Note.

Para 124. *Bicameralism.*

For some reason that I have not been able to understand, some of my colleagues were unwilling to have the legislature in Mysore described as a bi-cameral one. It is not necessary that the two houses of a legislature should have the same or concurrent or co-ordinate powers and functions in order that the legislature may be called bi-cameral. Rather is it usually the case that the two houses of a bi-cameral legislature are, in their important features, unlike and complementary to each other? Their functions do not overlap. They are meant to check and correct each other. The question therefore to be answered is whether, as a matter of fact, there are two houses to take part in the work of the legislation in Mysore or whether there is only one. Till now, the Representative Assembly has had the right of being consulted in regard to the general principles of proposed measures of legislation. Indeed, no Bill could ordinarily be introduced into the Legislative Council unless it had been previously considered (whether approved or not) by the Representative Assembly. Though a very small power, this one of previous consultation certainly was some share for the Assembly in the work of legislation. The present Committee has proposed some enlargement of this power. I proposed, but could not succeed in getting sanctioned, a much larger share for the Assembly. In any case, from the point of view of developments that are both desirable and (to my mind) probable in the future, there is every justification to regard the Representative Assembly as a collaborator with the Legislative Council and to count the two institutions as the chambers of one single legislature which therefore might properly be described as a bi-cameral one. Whichever be the label attached, I am emphatically of the opinion that the two houses should be regarded, together with the Sovereign, as one organic whole making up the legislative machinery of the State. Any attempt to view the two houses either as detached from each other, or as rivals to be played against each

other, is, in my humble view, harmful to the interests of the constitution.

The Legislative Council.—I accept the existence of the Legislative Council in addition to the Representative Assembly not in a spirit of acquiescence in an unalterable fact, but as in itself very desirable. At a time when the atmosphere is electrified with revolutionary ideologies, and threats of disturbance to social peace and order are so vehement in every quarter, I consider it safe for the State that there should be some reasonable means for the prevention of hasty legislation and for the careful scrutiny of new schemes of reform. I highly value every device that will make for order and balance and equillibrium which to me are synonymous with even-handed justice and fair consideration for every one of the parties and interests involved in any scheme and with the total absence of anger or malice or neglect towards any. Not minding the possiblity of being set down as old-fashioned, I must confess I still hold to the belief that a second chamber (the Legislative Council) has a useful function to perform in a country like ours. That function is of the usual three kinds:—(i) Steadying the tempo of the more popular House and preventing haste in legislation; (ii) Persuading the Representative Assembly to consider aspects of the case that have escaped its attention and revising (*i.e.*, rectifying errors and supplying omissions) the drafts coming up from the Assembly; and (iii) Attending to the technical details of the drafting of legislation and giving it perfection of form. As bases for these functions of the Upper House are the tasks of the Representative Assembly—namely (i) to supply the basic data of general public needs and public opinion; (ii) to attempt to reconcile the various groups or interests involved; and (iii) to indicate or to approve the outlines of policies or measures desired. Briefly, the task of the Assembly would be creative; that of the Council critical. The first is to furnish the raw material; the second to turn out the finished product. Neither can by itself complete the work without the co-operation and at least the partial sanction of the other.

Paras 125-128. *Why Assembly should control legislation.*

I propose a larger measure of control for the Representative Assembly than the Committee has sanctioned over

the work of legislation, for reasons which I must set forth at some length: (i) A great part of the field of administration is covered by legislation, and legislation is the first embodiment of the people's will. When therefore a legislature satisfactory to the people is brought into being and endowed with powers over a wide field, the occasions for its seeking to censure the executive would diminish to a large extent. If the executive fails to carry out faithfully the mandates of the people as reproduced in the laws, the remedy would lie either in a no-confidence motion or similar action on the floor of the house, or in a Court of Law. (ii) Then there is legislature's power to pass resolutions. This would cover part of the ground that could not be covered by formal legislation. It may be taken for granted that no executive in a popular government can afford to be indifferent, much less hostile to, the expression of popular will in the shape of resolutions. This would further reduce the likelihood of onslaughts on the Ministry by the legislative bodies. (iii) An instrument for discovering the failures of the executive in the two fields of legislation and resolutions is available to the hands of the legislature in the form of the right of interpellations, meant to elicit information. When under these three heads of (i) Control over Legislation, (ii) Resolutions, and (iii) Interpellations, the Representative Assembly is endowed with large powers, to that extent would the possibility be diminished of attacks by the legislature on the Cabinet. For, the field left for the play of the discretionary power and independent initiative of the executive would then be a very limited one; and the consequence of so delimiting the field of the executive's independent action would be to reduce occasions of its liability to be called to account and to increase the chances of its stability and permanence. In other words, the greater the control and responsibility vested in the Legislature itself, the smaller the risks to be faced by the Executive. The effect would be one similar to that which is desired by friends who recommend the American and Swiss models to us. (Please see the paragraph headed "Two Foreign Models" in Part I of this Note.) What exactly my recommendation in respect of the Representative Assembly is may kindly be seen in Part III of this Note. If even that degree of initial control over legislation is not vested in the Representative Assembly, it will be difficult to see how the position

of that institution is really made better by the present reforms.

Para 133. *A Too Elastic Power.*

I am of the opinion that, among the subjects excluded from the purview of the Legislature, item (f)—*viz.*,—"Such other matters as may, from time to time, be specially reserved by His Highness the Maharaja for consideration by the Government"—is one fit to be omitted from that list. The phrasing is too vague and general, and in that lies the possibility of an unnecessary and arbitrary curtailment of the powers of the legislature, by the executive of the Government.

Para 135. *Bills on Religious Matters.*

I am particular about making it clear that I am totally against invoking the name or the authority of the Sovereign for sanction before the introduction of a Bill affecting Religion, etc. For reasons explained in the first part of this Note, I am opposed to any procedure that is likely to cause the name of the Sovereign to be dragged into any kind of public controversy, whether in connection with legislation affecting Religion, etc., or any other kind of controversy whatsoever,—excepting a matter which is in the nature of an appeal against his Ministers and for which there is no other remedy provided in the Constitution. As a matter of fact, a fundamental maxim of the Constitution is that the Sovereign always acts, even when exercising his prerogative, only on the advice of his Ministers. It is only when their character and conduct are questioned that, as a last resort, his help may be invoked.

I agree that Bills affecting the religious usages, etc., of a community should have obtained the previous sanction of the Chief Minister or Dewan; for he primarily would be responsible for dealing with any public consequence of any proposed legislation of that character. My recollection is that I voted in support of this view in the Committee.

Para 136. *Representative Assembly and Taxation.*

I do not share the view that the powers over taxation

recommended by the Committee for the Assembly constitute "an *effective* voice."

Para 137. *Budget in the Representative Assembly.*

I feel that in regard to the annual Budget, the little addition of power proposed by the Committee for the Representative Assembly, *viz.*, the right of moving resolutions on any of the major heads (but not their details) is one of some significance. This right will afford a good opportunity for the criticism of the working of departments and for the ventilation of public grievances. By means of amendments to proposed resolutions, the discussion of the working of Government Departments could be made fairly exhaustive.

Para 138. *Excluded Subjects.*

I strongly plead that the grant to the Indian Institute of Science (and grants in similar circumstances) should not be brought under the category of "matters governed by Treaties, etc., with the Paramount Power."

Para 144. *Representations in the Representative Assembly.*

The item of business in the Representative Assembly known as "representations" is the relic of the age of petitioning on the one side and paternalism on the other; and it is out of place in an age of self-conscious and even aggressive citizenship. In a formal assembly which is an integral part of the legislature, the members should be taught to be precise and business-like and to deal with matters that belong to the public as a matter of right and justice and not as favours and gifts. The traditional "representations" in the Assembly are vague in form, miscellaneous in character, and pious in intent; and they consume a lot of time without any adequate return to the public. Government's replies are most often just as vague and goody-goody. Thus there is a mutual education in the art of making, on the one side, ill-thought-out and loosely formed requests and on the other side of making bland and unserious answers. This education unfits rather than increase the fitness of the Assembly to become an organ of Responsible Government. It is for this reason that I suggested the deletion of this old inane item of

business. This elimination is made the more easy now by the recent revival of District and Taluk Conferences. Such local Conferences are the proper venue for the consideration of subjects which form the usual content of the Assembly Member's "representations."

If the above view will not prevail with the Government and the practice of "representations" be continued, I insist that local subjects should not be excluded from their scope. The mismanagement of a village school or the disrepair of a village road may be a local subject; but the local authorities concerned may be unmindful of it for years and in spite of repeated local "representations." In such a case, why should not the popular representative have the right of bringing the matter to the notice of the Central Government in the Assembly? Again, the local grievance of one village may be typical of the experience of a hundred villages in different localities. Why should not the representative of one aggrieved locality have the right of bringing the matter up in the Assembly?

Para 145. *How really to consult?*

I agree with the suggestion that on important measures contemplated by the Government, the Assembly should be consulted. But it seems to me that this recommendation is in too vague a form to admit of translation into *de jure* phrases as desired by the Committee. I tried to give this idea a more formal shape, and it will be found in Part III of this Note.

Para 162. *Electorates, Joint or Separate?*

I should like to make clear my reasons for insisting that Government should do all that lies in their power to persuade our fellow-citizens of the Muslim and Christian communities (as of course the Adi-Karnatakas and other backward sections of the Hindu community) to accept a system of joint electorates for the seats reserved for their communities in the houses of the Legislature. This should be done, I submit, without disturbing the proportions recommended by the Committee. I consider it a fair and equitable distribution of seats, and I would not have it upset even for the sake of joint electorates. It is no gain to the State or the general public to have to pay

for the fulfilment of one right principle by the sacrifice of another condition of justice and fair dealing.

One of the ways in which human liberty has come to establish itself in our day is in the freeing of the State from all vestiges of theocracy. The State to-day is a purely secular organisation. Such a phrase as a " Hindu State " or a " Moslem State " or a " Christian State, " —except in a very loose sense indicative of the faith professed (i) either by a majority of the population or (ii) by the ruling house,—is and ought to be obsolete and impermissible. Religion—in the sense of theological dogma and ceremony—is becoming an altogether " private " affair. The State does not concern itself with any religion except to the extent of protecting it against attacks by others and others from its attacks; and, what is more to the point, the State will not tolerate any interference in its domain by Religion. The State's concern is with those matters only which are of common interest to its subjects of any and every religion and of no religion whatever as well.

The province of the State and the province of the Church being thus mutually exclusive (though not antagonistic), the fact of the existence of varieties in religious belief and practice among the people is utterly irrelevant to the normal purposes of the State. That being so, to let these varieties cause a corresponding division in the civil life of the community is to cause a catalysis harmful to the State itself as well as to democracy. The integrity of a State is not merely in the contiguity of its territory, or even in the acceptance of a common King or Government by its members. More essentially, it is in a feeling of fundamental oneness -- a sense of the community of aspirations and destinies—that permeates the entire body of its Citizens. This sense of oneness should find its natural means of expression in the system of election to the legislature and other important institutions of the State with which the population at large comes into direct and living contact. If this means of emphatically bringing before the people's minds the fact of their essential unity and oneness in the life and the affairs of their State, is not put to use, the sense of common interests and destinies and of civic fellowship will naturally become weakened by sheer disuse; and therein

lies danger, not to the separate communities as such, but to that larger community which is called the State and is the protecting mother of all.

I realise that, as I have already remarked, improvements under this head can be more surely expected in Mysore in the wake of similar improvements in British India. But there is one hope actuating me in making this special appeal. The Government of Mysore to-day is in a special position to persuade the minority and backward communities. Its special solicitude for those communities is well known and recognised by them. If Government therefore would use their influences with the leaders of those communities in the interests of the unity and integrity of the body politic, I feel confident of their success. I have the fear that, if this object is not achieved under this Government, there is very little chance of its being realised by any other Government. The cause will then have to be taken up and promoted by other agencies and through other means. That would mean a very long time. In the mean time, separatism will have become a settled habit with the communities concerned; and incalculable harm will have been done. The only objection I have been able to understand, which the opponents of joint electorates have raised, is that a Muslim or Christian or Adikarnataka representative of his community, returned through the sieve of the general electorates (of whichever pattern the sieve be) is likely to prove somewhat of a moderate so far as the championship of his particular sect is concerned,—that the intensity of his devotion to his communal or sectional causes will be somewhat diluted. I would earnestly submit that if this be at all a loss to the community, the community should agree to bear it, considering it a sacrifice made out of its love for our common motherland.

Para 169. *University Representation in the Representative Assembly.*

I consider that in an Assembly of 300, just two seats will not be too much to set apart for the representation of the only seat of modern learning and culture in the State. The representatives of the University are expected to be independent-minded persons who will look at every question without any partisan bias and mainly from the

point of view of principles. I think it will be helpful to the Assembly if room is made for the participation, in its deliberations, of at least two men who will bring the type of scientific and informed mind that should be the special gift of the University.

Para 173. *President of the Representative Assembly.*

On the question of the presidentship of the Assembly, I am positively of the view that it is of greater advantage both to the Assembly and to the Constitution as a whole that the Assembly should have an elected President,—an exception being made, if considered necessary, for its first life-period, and a non-official being nominated under His Highness the Maharaja's orders for that period. The chief ground assigned by the Committee for rejecting this idea is that the members of the Assembly have "Representations" to make and that the head of the administration should be there to give ready replies. I have already said that I consider this item of "Representations" the least part, and certainly not an important part, of the work of the Assembly. The Assembly should become more and more of a legislative body. It should acquire a high sense of responsibility and carry on business in a parliamentary style. An elected President is therefore essential.

I am indicating one or two other reasons: (ii) The time-spirit is such that we have got to be prepared for more and more exhibitions of critical humour and more and more "scenes" of irritation on the floor of the Assembly. With the progress of time, attacks on the Government are bound to become more and more spirited and to be increasingly applauded by sections of the public. It is no good for anybody that the head of the administration should sit there exposed to all this. He should indeed be more than human if he were not to be affected by all these critical and maybe hypercritical demonstrations. Can the advantage of listening to "representations" counterbalance this disadvantage to the administration?

(iii) There will always be "parties",—at least informal and unorganised "parties" in the Assembly, if not formal ones; and they are sure to raise a contention over almost every question. If one party were to support

the Government, we may be sure that there will be another to counter-act or nullify that support; and when a question or a point of order has been raised for the decision of the chair, any ruling coming therefrom, however fair and high-minded, is sure to be cavilled at by this party or that as partiality shown to its opponent:—and this, if not on the floor of the Assembly, then among partisans and sundry neutrals wherever and whenever they are seen. An atmosphere of suspicion and unfriendliness is thus likely to be created in the process of time for the head of the administration who properly ought to have the goodwill and co-operation of as many parties as possible and as much of it as possible.

(iv) Further, as I shall try to show later, if the Assembly should be endowed with complete freedom of speech, it is necessary that it should have a President who will be amenable to its control.

Para 174. *Terms not to be conterminous.*

Three considerations, besides that recorded in the Report, are present to my mind for recommending that the life-periods of the two Houses of the legislature should not be made to expire simultaneously: (i) There should always be a remainder of previous knowledge and experience left at least in any one of the two Houses, so that there might be continuity in the foundations of public policy. (ii) Difference in the timings of elections to the two bodies will be to double the opportunities for the country to express its mind, and so there will be the possibility of the latest phase of public opinion becoming available. (iii) It also means an opportunity to the electors to make what party or group adjustments they would like to make as between the two Houses.

Para 176. *Allowances to Representative Assembly Members.*

I ask for equality of treatment as between Representative Assembly and Legislative Council Members in respect of allowances and status as a matter of principle. The complexes of superiority or inferiority should not be allowed to develop between the two Houses. The members of both Houses are alike engaged in the service of

their fellow-citizens and any differentiation made between them in treatment is likely to breed undesirable caste feelings.

Para 179. *A Too Elastic Phrase.*

This relates to proviso (1-a) of section 13 of the existing Mysore Legislative Act (No. XIX of 1923). The proviso is to the effect that Government shall have power to restore any reduction made by the Legislative Council of the amount of a demand "if necessary, for the discharge of Government's responsibility." It appears to me that the phrase "the discharge of Government's responsibility" in this context is much too wide and that its scope should be more definitely and more precisely indicated. Otherwise there will be a possibility of abuses and therefore of frictions occurring.

Paras 181 and 182. *Legislative Council's Composition.*

I consider that in the proposed composition of the Legislative Council, the various elements stand fairly balanced except under one head. Balance of elements is a merit if what is aimed at is a certain stability and steadiness. Personally, I feel that these qualities are necessary in the Legislature for a period of preparation and probation such as the one now before us. The various elements have to be brought to a condition of goodwill and confidence towards one another, and possibilities of jealousy or suspicion among them should be obviated by every possible means. It is after they have come to good understanding and developed an attitude of mutual trust and even friendly forgiveness towards one another that the country can venture to take the next step forward. When the confidence of those sections of the public which at present are characterised by misgivings in respect of responsible government has been won for, it will be the time for our making the legislature dynamic. That will be the day of true responsible government, and the legislature will then necessarily have to possess a larger proportion of direct territorial representatives.

Whether the various elements in a house of legislature should be evenly balanced or whether any one of them should be allowed a degree of preponderance depends

upon what we intend the legislature to achieve—whether we wish it to go slow or go to fast, to be liberal, or to be radical. In the transitional stage now before us, when, not a popular ministry, but a mixed one will be in power, a legislative house dominated by democratic and dynamic elements will only prove a source of constitutional friction and frequent interruptions of progress in all ways. Indeed, add 10 or 12 to the number of seats assigned (24) for territorial representation in the present scheme without altering the other allotments; you will then have a solid block of 34 or 36 members coming direct from the country at large in a house of 78 or 80. If only they manage to get an accretion of 5 or 6 from other non-official groups which have a total strength of 28, they could then virtually establish responsible government:—that is, they could inflict defeat upon the Government time after time. What is the moral status and strength of an oft-defeated cabinet which is constitutionally not able to exchange positions?

Nominated Group.—Now to the feature to which I have taken exception. Out of the 24 places allotted for Government's nomination, 16 are earmarked for officials. I consider this too much. My own allotment at one stage was as follows:—

Territorial representation	24
Special communities and interests	20
Officials nominated	10
Non-officials nominated	10
	64

However I could not help sympathising with those who expressed fears of the possibility, in the present temper of the country, of there coming into the Legislative Council a solid group to present a determined and wanton opposition to every governmental measure without pausing to enquire whether it was good or bad. But even such an eventuality cannot justify the increase of official strength to 16. I do not see any reason for taking it beyond 12. Officials 12 and non-officials 8, making a total of 20 nominations, would equalize this group with that of Minorities and Special Interests; and that is fair. Incidentally, this reduction of the size of the Council should not be a matter for regret.

Para 194. *Removability of the Executive.*

Under this head I have only to point out the inaptness of the comparison instituted between the Executive Council in Mysore and the Swiss Cabinet by the Seal Committee. Selecting one feature of a foreign constitution for commendation after tearing it from its environment and social setting is obviously fallacious and misleading. With the position of the Executive in the Swiss and the U. S. A. Constitutions, I have dealt in Part I of this Note.

Para 207. *The Executive and the Legislature,—Address to the Throne.*

Since my moving and losing my proposition in the Committee on the subject of an Address to the Throne, I am thankful to have found the valuable support of Dr. F. X. DeSouza for that idea. In Part III of this Note, I am giving the text of my proposition. Without such a provision, I am afraid there will be nothing in the scheme now recommended for the people to enthuse over. After all, the conditions suggested for the admission of a motion of Address and for its passing and becoming effective are so extremely hard that the chances of this power being put to use are exceedingly rare. If even this modicum of power, to be used in the last resort and in extreme cases, is not placed in the hands of the Legislature, there would be little opportunity given it for educating itself in the ways of responsibility. Let us remember that it is the sense of power that develops the sense of responsibility. The man without power can afford to be irresponsible and very often is so.

Para 209. *The Dewan.*

The point I wish to raise under this head is one of nomenclature. The phrase "Chief Minister" should be recognised as the English equivalent of the Indian word "Dewan". That precisely seems to be the meaning of the Committee, though when the point was put to it specifically, I received no clear answer. To my mind, it is clear that the Dewan too is a Minister and the first among Ministers. The phrase 'Prime-Minister' or 'Chief Minister' is therefore appropriate.

Para 216. *Disqualifications of Electors.*

I have two points to submit under this head :—

(i) Those who have suffered conviction on account of their political opinions and activities, unless such activities have involved deeds of violence, should not be regarded as disqualified to exercise franchise and seek election to the Legislature.

(ii) In Part III of this Note, my proposal about the need for a Law of Naturalization for Mysore is to be seen. The absence of such a law has led to many anomalies in recruitment to our public services and in the administration of facilities in our educational institutions as well as in our public life and the conferment of our civic privileges. I am thankful the Committee has endorsed the idea.

Para 217. *Ages of Legislators.*

I consider that the age of 21 years is sufficient for candidates for the Assembly and 25 for candidates for the Legislative Council. The age of 21 years is considered sufficient for entry into the Civil Service and the Educational Service as well as into learned professions like Law and Medicine. Certainly, the members of these services and professions perform responsible functions at that age; and the questions that members of the Representative Assembly have to deal with are of comparable importance; and there is no reason why persons of the same age should be deemed unequal to these latter responsibilities.

Para 223. *Freedom of Speech for the Representative Assembly.*

This privilege is but one element of the parliamentary ideology; and it is inseparably linked up with the condition that the authority to regulate the exercise of this privilege should be one who is subject to the authority of the house as a whole. It should be borne in mind that the Speaker of the British House of Commons and the Presidents of the Legislative Houses in British India are all officers elected by the respective houses, and liable, in certain conditions, to be removed from office by those bodies. It is this salutary provision that places the regulation of the exercise of that privilege in those houses

above suspicion. When the President is an uncensurable and irremovable one, there would be no help if some people were to feel that, secure in his position, he exercised his regulative authority with partiality or prejudice; and he would have no way of challenging or rebutting the charge. If the Representative Assembly must have this freedom, it must have the correlated privilege of electing, and of judging, its President. I have discussed the matter at greater length in my Note appended to the Report, dated the 28th of May 1936, of the Committee appointed to revise the Representative Assembly and Legislative Council Rules. It is given as Appendix B to this Note.

Paras 224 and 225. *Representation in the Federal Legislature.*

Since the Committee wrote its Report, the scheme of Federation has been tossed into mid-air by the exigencies of War. If that scheme ever comes back to the earth again, my idea of filling the Federal Legislature on behalf of Mysore is as follows:—

(1) To the Federal Assembly, all the seven allowed to the State should be returned by the people by direct election.

(2) To the Federal Council, the three allowed to the State should be: (i) nominated by the Government; or (ii) elected by the legislature (Representative Assembly and Legislative Council).

(In a Federal Legislaure, it is proper that the more popular chamber should represent the nation at large, and the other chamber should be composed of the spokesmen of the component units taken separately.)

(3) As for qualifications, seeing that the subjects which the State has to transfer to Federation are the subjects which, either our legislature is already competent to deal with or it would be competent to deal with if the State itself had full jurisdiction in those matters, I plead that the qualifications prescribed for electors and candidates in the case of our local Legislative Council should be regarded as quite sufficient in the case of the Federal Legislature also.

(4) I am emphatically against the system of Proportional Representation, whether for the Federal Legislature or anywhere else.

Firstly, it operates against the cause of responsible government by making homogeneity in Cabinet formation

impossible of attainment. A system that makes for the exact reproduction, and not the rounding off, of all the fine angularities and notches of political feeling is no help to the cause of stability and harmony in a ministry.

Secondly, politics being at best a rough affair, there is no particular purpose to be secured by attending so mathematicly punctiliously to the delicate shades and nuances of political opinion.

Thirdly, political opinion as it exists to-day in our country has neither crystallised in very distinguishable forms, nor is it seen in its subtle niceties by the average voting intelligence.

Para 228. *Mysore's Federal Representatives and Mysore Government.*

I give in Part III of this Note the draft of the declaration mentioned in paragraph 228 of the Report.

Para 233. *Fundamental Rights.*

I would suggest the addition of the following as item (xii) to the list of guarantees given in that paragraph of the Committee:—

The continued enjoyment of all hereditary rights of property and service is guaranteed, subject to the condition that when the interests of the State necessitate their modification, fair compensation shall be made to the sufferers.

14. Real Scope of Present Reforms.

It is not pretended that the scheme of reforms embodied in the Committee's Report attempts to introduce Responsible Government either in full or in part. To my understanding, it seeks only to prepare the country for the advent of that regime after a time. The test to be applied to each proposal therefore is whether it is helpful directly or indirectly to progress towards that goal. It is in this spirit that I have in the foregoing paragraphs reviewed the contents of Chapter IV of the Report and suggested modifications.

PART III.

Additional and Alternative Proposals.

15-A. Need for such Proposals.

A statement of opinion, with the first-personal pronoun as the subject of the sentence, particularly when made in dissidence from a superior, is liable to be counted a piece of vanity. The only means of escape from this risk is, for the member of a body charged with issues of consequence to the country, to choke the still small voice within him which, however, will then not return to silence before crying "Bosh!" Rather than have to face this secret mockery, let me take the open risk.

In all sincerity, I feel that the proposals of the Committee as they stand fall short not only of the requirements of the political situation, but also of what is barely due to the people as a result of (i) Government's own previous commitments in enunciations of policy, and (ii) the country's educational and social advancement of the past 50—60 years. The main question for me is not whether the Committee's scheme will be swallowed by the country. We could always count upon some who will be glad to avail themselves of any kind of opening or opportunity in public life. The question for me is whether the scheme is fit and worthy to be offered seriously to serious-minded citizens? Whether it possesses the vitality to lead the country forward? Whether it can suffice to keep away tumultuous agitation for at least a decade? When a starving man goes to you for relief, you could either offer him meals for a day or a week, or put him to an occupation which will enable him to find his own meals. I would prefer the latter kind of help. In all humility, I submit that the Committee's scheme seems to my mind to resemble the former type of kindness.

My object in suggesting the modifications indicated in Part II of this Note and the additions proposed below is

to make the scheme more satisfying and durable without bringing in any risks. If is my honest feeling that the Government can go a step further than the Committee on the lines herein shown, without in the least imperilling any interest of any party in the State. Half-hearted concessions can neither win gratitude nor bring peace.

The reforms will be judged not according to the number of ministerial and other offices opened to a few individuals in public life, but according to the measure of power put in the hands of the democratic bodies in the constitution. No one, I am sure, fancies that constitutional reform is creating jobs, or that agitation will go down after a day of prize-distribution to public men.

I pray nothing may tempt Government to tighten their hand when giving. The Police and the Magistracy may have, for the time being, silenced the voice of agitation, or the popular organizations may have themselves grown weak in spirit or in resource. It is not for far-visioned statesmen to fix their eyes for any length of time on the temporary ups and downs of popular movements. It is the deeper forces and more enduring impulses of the whole milieu,—of the whole of life around,—that should engage their attention. Education inevitably brings a certain sense of rise in life to every one. In its train comes self-consciousness, which gives birth to equalitarian claims in economic, social and civic fields. Indeed, the political ferment of our day is a complex of all. The State therefore that promotes education inevitably promotes a popular uprise; and if the rulers feel at any moment tempted to hope that popular aspirations can be kept down and *status quo* preserved by the strength of their arms, they would do well to remind themselves of the lines of the seer-poet, Wordsworth:—

> The power of armies is a visible thing,
> Formal, and circumscribed in time and space:
> But who the limits of that power shall trace
> Which a brave people into light can bring
> Or hide, at will, for Freedom combating,
> By just revenge inflamed? . . . . . .
> . . . . . From year to year
> Springs this indigenous produce, far and near;
> No craft this subtle element can bind,
> Rising like water from the soil, to find
> If every nook a lip that it may cheer.

Some of the proposals given below were moved in the Committee, but without success. Some others had been put in the hands of the esteemed Chairman; but time could not be found for them. A few of these old proposals are in a revised form here. There are also some new proposals.

I must apologise to the reader for the possible lack of order in the arrangement of the proposals and generally for the possible obscurities and inaccuracies of expression throughout the Note. Part of my excuse (only a part) is in my broken health and in the shortness of the time available to me. With reference to the more important of the following proposals, I should perhaps have added a word or two of explanation had I had more time and physical strength. I trust the reader's co-operation will render my omission negligible.

B. The Proposals.

1. *The Constitution Act.*—There should be one Constitution Act embodying provisions relating not only to the two houses of Legislature, but also to the Executive (or the Cabinet of Ministers), the Judiciary, the Powers and Prerogatives of the Sovereign and the Rights guaranteed to Citizens.

2. *Declaration of Goal.*—The preamble to the Constitution Act or a royal rescript accompanying it should contain a declaration of the goal of Responsible Government on the lines suggested in this Note (page 27) as distinguished from the Committee's formula.

The Legislature.

3. *Representative Assembly.*—

(i) Qualifications.	Age.	Education.
For voters	... 18 years	... Lower Secondary or Upper Primary.
For Candidates	... 21 „	... S. S. L. C.

(ii) Two seats for the University.

(iii) Sessions :—

(A) The Dasara and the Birthday Sessions may begin after an interval of at least two days from the last day of the respective festivities.

Reasons :—

(1) The festive attractions of the season affect the quality of the work as also the quantity, dividing attention and enthusiasm.

(2) Politics is strife, and it is hardly the companion for a season of mirth and good feeling. When these seasons were first fixed, our politics was a comparatively tame affair. But that is permanently changed now.

(B) If Dasara and Birthday seasons could be altogether avoided, it would be so much the better for business.

(C) I would have the Representative Assembly meet three times a year :—

(1) Dasara (September-October)	5	days.
(2) Summer (January-February)	5	,,
(3) Birthday (May-June) ...	8	,, (Budget Session)
Total ...	18	,, as now already fixed.

Roughly, this would leave an interval of four months between one session and another; and if we mean to develop in the parliamentary way,—that is, bring public business more and more under the eye of the public—we cannot help increasing the number of meetings and lessening the length of the interval. Public business is growing in volume and complexity; and the political intelligence of the people is growing also. Hence the need for more frequent sessions.

(iv) The number of Resolutions for consideration at a session be fixed at 25 instead of 12 and "Representations" giving place to "Resolutions.")

(v) The President to be (if necessary) a non-official member nominated for the first life-term, and afterwards one elected by the house.

4. *The Legislative Council.*—

(i) Official members not to exceed 12.

(ii) Age of members—25 years.

(iii) *Control over Public Expenditure* :—(*a*) When the Government proposes to undertake any new scheme or project, whether included in the year's Budget or not, involving the expenditure (in the aggregate) of a sum exceeding (say) Rs. 5,000, it shall, before undertaking the work, place the proposal in the from of a token demand before the Legislative Council for approval.

(*b*) When the Government proposes to create a new post or office not included in the year's Budget, involving an expenditure exceeding (say) Rs. 2,000 a year, it shall place the proposal in the form of a token demand before the Legislative Council for approval, before proceeding to create the post or office.

(*c*) There shall be a Standing Finance Committee of the Legislative Council to which, in urgent cases, proposals of the kind above indicated may be referred for approval ; and such approval of the Committee will be subject to confirmation by the Legislative Council at the earliest session of it after the decision of the Standing Finance Committte.

For Both Houses.

5. *Rules and Standing Orders.*—Each house of the legislature should have full powers for making and modifying rules and standing orders for its business and procedure, and may appoint a Standing Committee to which all such matters may be referred.

6. *Questions of Privilege.*—Each house of the legislature may set up a Committee of Privileges to which all cases of breaches by members may be referred for recommendation as to appropriate action ; also all doubts and questions ; its opinions being subject to revision by the house.

7. *Balloting of Resolutions.*—Orders 84 (d) (2), (4) of the Standing Orders of the Legislative Council relating to the balloting for Resolutions should be so re-written that the numbering contemplated in them will be of the Members wishing to move resolutions and not (as at present) of the resolutions.

(The change proposed is in accordance with the procedure of the British House of Commons, *vide* May.—Appendix C to this Note. The present method of numbering the resolutions (instead of the members) gives a better chance to the member who sends as many resolutions as possible than to him

who shows greater consideration for his fellow-members, and also better discrimination, by sending up only one carefully chosen subject.)

8. *Communication between the two houses.*—The proceedings of each house of the legislature (including resolutions passed and rejected, the votings on other motions, official pronouncements, documents, questions, and answers, etc., with relevant particulars) should be, from time to time, formally reported to the other house as soon as practicable, copies of the reports and connected papers being sent separately beforehand to the members.

9. *Legislative Procedure.*—(1) Every legislative measure proposed by the Government (other than measures of an emergent or special character) shall, before it is introduced in the Legislative Council, be placed before the Representative Assembly in the form of a Bill, together with a statement of objects and reasons, and where the President of the Assembly deems it desirable, with also a summary of the Bill. The Bill, the Statement and the Summary shall be in both the English and Kannada languages.

(2) The Bill, if passed whether unanimously or by a majority, by the Representative Assembly, may be introduced in the Legislative Council.

(3) If rejected by not less than two-thirds of the members of the Representative Assembly at a sitting at which not less than three-fourths of the total number of members are present, the Bill shall not be introduced in the Legislative Council (the opposition being a very strong one).

(4) If rejected by a majority smaller than that prescribed in the preceding clause, the Bill may (Representative Assembly's opposition being a moderate one) be introduced in the Legislative Council, subject to the following condition :—

That the Bill will be accompanied by a statement by the Government setting out briefly the reasons why the Government considers it necessary to introduce the measure in spite of the adverse vote of the Representative Assembly.

(5) In every case, before the Bill is finally disposed of by the Legislative Council, it shall be open to the Representative Assembly to indicate, by means of resolutions, any changes it desires to be made in the Bill. The resolutions so passed by the Representative Assembly may (i) either be adopted by the Government, or (ii) be placed before the Select Committee of the Legislative Council for its consideration.

(6) For the latter purpose, a Joint Select Committee of the two houses may be formed which will include three members of the Representative Assembly selected by its President including, as far as possible, the movers and seconders of the said resolutions.

(7) Votes on the Bill as a whole and on each of the resolutions moved thereon shall be taken separately in the Representative Assembly.

10. *Dissolution of the Legislature.*—Power should be reserved for the Sovereign to dissolve either or both of the houses at any time.

(This may be to find out how far the country is supporting the policies of the Government or how faithfully the legislature represents the mind of the country, or for any other sufficient reasons.)

11. *Joint Standing Committees.*—The status and the business efficiency of the Departmental Standing Committees of the two houses, sanctioned as part of the 1923 scheme, should be improved by requiring them (i) to meet regularly once in every two months, (ii) to produce brief annual reports on their working, for submission to the Representative Assembly and the Legislative Council, and (iii) by referring to them all questions of public policy arising in the several departments relating to them and not appointing other *ad-hoc* committees except in rare and special cases. The committees may be given the power of co-opting members either from within the houses of legislature or from without.

(The idea of these Committees, I submit, has not been given a fair and serious trial so far. I see in the idea a very good means for non-officials

aspiring to administrative responsibilities, of acquiring an inside knowledge of the working of public Departments and a close insight into the nature of the problems that confront them.)

12. *The Address—The Legislature's Check over the Executive.*—(i) When in the opinion of not less than 50 members of the Representative Assembly (or 20 members of the Legislative Council), an occasion of extraordinary importance to the well-being of the State or a question of special public interest in relation to any branch of the administration or any policy or measure of the Government has arisen, they may jointly give notice to the President of the house of which they are members, of their intention to move in the house that a humble Address be presented to the Sovereign in the matter, the notice setting out the terms of the Address.

(ii) The President, after satisfying himself that the notice is in accordance with prescribed conditions (which shall include the conditions prescribed as to the nature of Resolutions in general, namely, avoidance of defamatory or libellous references, etc.), forward a copy thereof to the Dewan or Chief Minister and inquire whether, in his opinion, the Address proposed is one that could be moved in the house without detriment to public interests; and if no reply be received objecting to the proposal, the President shall allow the Address to be moved.

(iii) The Address shall be deemed to have been adopted by the house only when it is passed by not less than two-thirds of the total number of members of the Representative Assembly (or two-thirds of the total number of non-official members of the Legislative Council).

(iv) When so adopted, the Address shall be submitted to the Sovereign for such action as he may be pleased to order thereon.

(This is merely a way of bringing forcibly to the notice of His Highness any grievance of a grave or extraordinary character. With reference to Para 207 (iii) of the Report on the subject, I have to state here that neither Resolutions which relate to ordinary matters, nor cut motions which find room for only specific Departmental details and are confined to the Budget sessions, can achieve the purpose of an

Address. Resolutions and Cut Motions, moreover, are usually individual affairs—(*e.g.*, sponsored by one member or any larger number of members which may not be a prescribed number); and they, therefore, are no *prima facie* index of any intensity and unanimity of feeling. Further, Resolutions are subject to the uncertainties of the ballot box and to manipulation by party cliques and coteries. In order to bring out the general feeling with concentrated emphasis—concentration of attention being the essence of the thing,—if the way of a No-Confidence motion is to be avoided, the Address method is the only one we can think of.)

13. *Auditor-General.*—I proposed in the Committee that provision should be made for the appointment of an independent Auditor-General,—his terms of office being similar to those now recommended for High Court Judges by the Committee, so as to ensure his independence of the Executive which is the spending authority. The Auditor-General's functions will relate mainly to audit of accounts of the income and expenditure of the State. Generally his position is to be analogous to that of the corresponding officer in British India. (Sections 166, 167 *et seq.* of the Government of India Act, 1935.)

A majority of the Committee were of the opinion that in view of the G. O. No. G. 17572-8—G.M. 676-17-1, dated 22nd June 1918, which elaborates arrangements for the efficient and independent scrutiny of expenditure proposals and actual accounts of expenditure, etc., any separate arrangements in Mysore are unnecessary. I have been aware of the above Government Order practically since the date of its issue; and at the moment of writing this Note, I have it before me. But what the public would always wish to know is not whether there are sound and adequate rules in existence, but whether the rules are being faithfully observed day in and day out. In order to satisfy the latter condition, which is the more important one, I still think that something should be done to assure the public and the legislature that there is independent scrutiny of the State's financial transactions,—something such as the raising of the status of the Financial Secretary to that of a

High Court Judge. If the Government will not think of this matter, perhaps the reconstituted legislature will.

14. *The Constitution Act and the Courts.*—When a doubt or difficulty arises as to the meaning or implication of any part or section of the Constitution Act or of Rules made thereunder, if no other means of solving such doubt or difficulty be provided in that Act, any person interested in the matter may apply to the High Court for an interpretation of that part or section of the Act or the Rules, and the interpretation of the High Court shall be accepted as final.

Provided that this Clause is not to be construed as affecting the power of the legislature to amend or alter the Act or the Rules so referred to the High Court, for future use. (*Vide* Sections 205, 207, 212 of the Government of India Act, 1935.)

15. *Citizen's Means of Enforcing his Rights.*—(i) Provisions on the lines of Sections 45, 46 47, 48, 49 and 51 of Chapter VIII, relating to the Enforcement of Public Duties, of the Indian Specific Relief Act, No. 1 of 1877, should be incorporated in the corresponding Mysore Act, I of 1877, in otder to enable a subject of the State to invoke the aid of the Courts to secure the due performance of duty by a public authority in a case of omission or neglect on its part.

(Opponents of this proposal argue that the remedy provided in the British Indian Specific Relief Act is available only to the Presidency towns of Madras, Bombay and Calcutta, and that even there instances of the use of the remedy are rare. My answer is, first, that there are other remedies available to the citizen there—such as the right of suing the Secretary of State; and secondly that the very existence of such a law acts as a prophylactic. It is not necessary that the policeman should flourish his baton or manhandle sundry passers-by. His very uniformed presence at the street-corner is sufficient to keep depredators away. That is the use of a Law. The Mysore High Court should be endowed with necessary powers in order that it could issue writs corresponding to *mandamus* and enforce the performance of duty by public authorities.)

(ii) Another deficiency in Civil Law from the point of view of the citizen in Mysore is that which keeps latent and inoperable his right to proceed against the Government or its Agents for torts and wrongs of various kinds done to personal and private rights. Our Act VII of 1923 is very unduly restricted in scope and affords no relief to the aggrieved citizen in general. Its amendment so as to bring it into line with the corresponding law of British India has long been overdue.

16. *Local Self-Government.*—The question of providing elective democracy with an efficient executive is a very important one as it is a very difficult one. If Government made it a rule to appoint an Executive Officer for every Municipality that elects its own President, it may solve the problem in part. But another part remains, namely—that of the degree of independence to be allowed to that officer and the agency to supervise and control his work. This may well be the concern of the whole-time officer—the Ministry of Local Self-Government—to be appointed according to the recommendation of the Committee. (Para 238 of the Report.)

17. *Mysore in Indian Federation.*—Please see pages 53-54 of this Note as to the method of representation.

18. *The Federal Candidate.*—The following is the form of declaration I suggest for Mysore's candidates for the federal legislature (Page 54 of this Note, Para 228 of the Report) :—

"If elected, I shall make every endeavour possible to understand the aims and policies of the Government of His Highness the Maharaja of Mysore in relation to the issues to be considered by the Federal Legislature and shall conduct myself as a member thereof with a conscientious regard for the interests of the State."

Such a declaration will put the duty of seeking information from the Mysore Government on the member himself, without binding him in any way to follow the Government's instructions or fettering his freedom of judgement.

19. (i) *Naturalisation Law.*—An Act on the lines of the British Nationality and Status of Aliens Act of

1914 (or the Indian Naturalization Act, VII of 1926) should be enacted in Mysore in order to provide for the due conferment of the status of Citizenship of the State on those who, not being Mysoreans by birth, wish to acquire that status.

(ii) *Who is a "Mysorean" in Law?* - In all laws, rules and other contexts where the phrase "Mysorean by birth or domicile" (or the phrase "subject, by birth or domicile, of His Highness the Maharaja") occurs, the phrase "Mysorean, natural-born or naturalized" (or the phrase "subject, natural-born or naturalized, of His Highness the Maharaja") should be substituted.

20. *Mysore for Mysoreans.*—Only persons who, whether by birth or by naturalization, are subjects of His Highness the Maharaja shall be eligible—

(i) for appointment to posts in the service of the Government and of semi-Government bodies—excepting posts in respect of which the Government has declared (*a*) that they are posts requiring technical ability or special skill and further (*b*) that there are no suitable persons available for them among the subjects of His Highness; and

(ii) for the rights and privileges of citizenship such as the membership of legislative and municipal bodies and candidature and voting at elections to such bodies.

Conclusion.

I beg leave to conclude with two quotations from two philosopher-statesmen who held positions of unrivalled eminence in British politics. The first is meant as an appeal to my fellow-citizens and the other to those who hold the destiny of Mysore in the palm of their hands at the present time.

To see clearly into the future farther than a few paces in front of him is given to no man. In which exact year of grace Responsible Government will come to be found established in a perfect form in Mysore and what its distinctive features will be, are questions that need not be

asked, for the answer is obvious that fulfilment will be largely in accordance with the good sense and capacity of the seekers.

Appeal to Fellow-citizens.

On this problem, Lord Balfour has furnished us guidance in some compact phrases. (In order to emphasize the qualities he takes into account, I have numbered them in the passage.) In the course of his introduction to Bagehot's little classic on the English Constitution, Balfour observes as follows :—

> If we would find the true basis of the long-drawn process which has gradually converted mediæval monarchy into a modern democracy, the process by which so much has been changed and so little destroyed, we must study temperament and character rather than intellect and theory. This is a truth which those who recommend the wholesale adoption of British institutions in strange lands might remember with advantage. Such an experiment can hardly be without its dangers. Constitutions are easily copied, temperaments are not; and if it should happen that the borrowed constitution and the native temperament fail to correspond, the misfit may have serious results. It matters little what other gifts a people may possess if they are wanting in those which, from this point of view, are of most importance. If, for example, they have no (1) capacity for grading their loyalties as well as for being moved by them; if they have no (2) natural inclination to liberty and no (3) natural respect for law; if they lack (4) good humour and (5) tolerate foul play; if they know not how (6) to compromise (7) or when; if they have not that (8) distrust of extreme conclusions which is sometimes misdescribed as want of logic; if (9) corruption does not repel them; and if their (10) divisions tend to be either too numerous or too profound, the successful working of British institutions may be difficult or impossible. It may indeed be least possible where the arts of Parliamentary pursuation and the dexterities of Party management are brought to their highest perfection.
>
> Should any one be inclined to regard this as an overstatement, let him seriously consider these last qualifications for Cabinet Government. Let him note how difficult it would be to work the system, even in the country of its origin, if the House of Commons, instead of being organised by division into two main parties or three, were disorganised by division into (say) half a dozen of approximately equal strength. And if this vision of confusion and intrigue fails to move him, let him consider another hypothesis. Let the political parties be reduced to two (admittedly the most convenient number for Cabinet Government), but let the chasm dividing them be so profound that a change of administration would in fact be a revolution disguised under a constitutional procedure. Does not this illustration, like the first, show how delicate is the political machinery whose smooth working we usually take as a matter of course?

It may perhaps be replied that if a majority of the House of Commons want a revolution, they ought to have one; and no doubt if the House of Commons on this point fully represented the settled convictions of the community, the reply suffices. But if not? Is there any means of ensuring that in these extreme cases, the House of Commons would represent the settled will of the community? Is there any ground for expecting that our Cabinet system, admirably fitted to adjust political action to the ordinary oscillations of public opinion, could deal with these violent situations? Could it long survive the shocks of revolutionary and counter-revolutionary violence? I know not. The experiment has never been tried. *Our alternating Cabinets*, though belonging to different parties, *have never differed about the foundations of society.* And it is evident that our whole political machinery pre-supposes *a people so fundamentally at one that they can safely afford to bicker;* and *so sure of their own moderation that they are not dangerously disturbed by the never-ending din of political conflict.* May it always be so.

Appeal to Government.

My other quotation is from Lord Morley's *Life of Cobden*:—

Great economic and social forces flow with a tidal sweep over communities that are only half conscious of that which is befalling them. Wise statesmen are those who foresee what time is thus bringing, and endeavour to shape institutions and to mould men's thought and purpose in accordance with the change that is silently surrounding them. To this type Cobden by his character and his influence belonged. Hence, amid the coarse strife and blind passion of the casual factions of the day, his name will stand conspicuously out as a good servant of the Commonwealth, and be long held in grateful memory.

I can think of nothing better to wish for the statesmen of Mysore than that a similar verdict should, when the time comes, be recorded of their worth and service.

D. V. Gundappa,

5th October 1939.

APPENDIX "A".

THREE RESOLUTIONS OF THE MYSORE PEOPLE'S CONVENTION.

27th December 1919.

I

(i) In the opinion of the Mysore People's Convention, the proper mode of enabling the Native States to exercise their undoubted right of participating in the settlement of All-India questions is to establish a Council of Native States to be composed of the Ministers or Agents deputed by the Governments of the Native States, the privilege of representation in such a Council being extended to all Native States that have instituted a Constitutional system of government. No legislative or other measure that affects the Native States as well as British India should be put in force unless it be passed by a majority of the States' Council.

(ii) This Convention affirms that the State of Mysore is in every way eligible to be associated with the administration of All-India affairs by being directly represented in an Assembly like the States' Council above proposed.

Moved by Mr. M. Venkatakrishnayya.

Seconded by Mr. A. R. Nageswara Iyer, B.A., B.L. (Now Judge of the High Court).

Supported by Mr. C. Srinivasa Rao (Chikmagalur) and Mr. S. Venkatesaiya, B.A., B.L. (Hassan).

II

This Convention is of opinion that the time had arrived when, in order to make the administration more responsible and more responsive to public opinion, as also to afford better opportunities for the development of public life, the State Executive Council should, as a first step, be made to include two members taken from among the non-official citizens of the State chosen for their ability and public spirit.

Moved by Mr. C. Srinivasa Rao.

Seconded by Mr. M. Venkatakrishnayya.

Supported by Messrs. N. V. Narayana Murthy, B.A., B.L., Nanjappa Setty (Mandya), C. B. Gopala Rao (Kolar) and B. Abdur Rahmon, B.A. (Bangalore).

III

The Mysore People's Convention earnestly prays that the Mysore Nowspapers Regulation of 1908 should be repealed without further loss of time.

Moved by Mr. B. Abdur Rahmon, B.A.

Seconded by Mr. H. Krishna Sastry.

Supported by Mr. S. Srikantayya, B.A., B.L. and several others.

APPENDIX "B".

Freedom of Speech.

"The *raison d'etre* for freedom of speech is that a parliamentary body will not be able to come to sound conclusions, unless there has been the utmost possible frankness in communication of information and opinion among its members. While this freedom is of paramount importance, it is not less important to ensure that that freedom will not be abused by persons wanting either in carefulness to search for truth and to state it without exaggeration, or in regard for the interests and feelings of others. Preventing such abuses of privilege is the responsibility cast upon the President; and to ensure that the President himself will act in this matter under some salutary fear is the task of the Constitution. Under the Government of India Act of 1919, members of the Indian Legislative Assemby enjoy Freedom of Speech (Section 67-7) "subject to the Rules and Standing Orders" affecting the Chamber. One of such Rules, Rule 57 (2), lays down that "a member, while speaking, shall not.....(ii) make a personal charge against a member.....or (v) utter treasonable, seditious, or defamatory words." The enforcing of this Rule is one of the duties laid upon the President by Rule 65. "The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions..... He may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly." And the wholesome condition that these serious responsibilities of the President are exercised both with care and without partiality towards any member or section of the House, is secured by the fact of his being , in his turn, subject to the scrutiny and control of the House. Section 63 (c) of the Government of India Act makes it clear that, just as the Assembly has the power of electing its President, it has also the power of removing a person from the Presidentship. [Sections 22, 28 and 38 of the New Government of India Act of 1935 also contain provisions similar to those of the current Act just cited.]

"It is hardly necessary to point out that the conditions of Free Speech in the British Parliament are in essence the same as above. Sir Erskine May says:—"The cases in which members have been called to account and punished for offensive words spoken before the House are too numerous to mention. Some have been admonished, and in the Commons, some have been expelled. Members using unparliamentary language are promptly called to order, and generally satisfy the House with an explanation or apology; if not, they will be dealt with under Standing Order Nos. 18 or 20, or punished as the House may think fit." Standing Order No. 18 vests in the Speaker (President) power to "name" the member guilty of abusing the Rules of the House or disregarding the authority of the chair and to initiate a motion for the punishment of such member. Standing Order No. 20 gives power to the Speaker to order a disorderly member to withdrrw immediately from the House. *The ultimate power of awarding punishment is, in the House of Commons, exercised by the whole House*; and to that extent the individual responsibility of its Speaker (President) is somewhat more restricted than that of the President of the Indian Assembly. Nevertheless, the Speaker of the British House of Commons has substantial powers, and *he is likewise subject not only to the electing, but also to the censuring vote of the House. If the members are subject to his rule, he is subject to their judgement.*

The substance of the whole matter seems to my mind to be this: that just as the members of the House should be amenable to the authority of the President in their exercise of their freedom, the President should in some form be amenable to their authority as regards his regulation of their use of freedom. I have no doubt that there will be general agreement to the view that the exercise of freedom and privilege should be regulated; and if the regulating authority should itself escape suspicion of partiality or of wilful error or of negligence, it is essential that that authority should also be placed under the scrutiny and control of the House over which it presides. It is for this reason that I insist that the privilege of electing the President and of judging of his conduct should come as an inseparable concomitant of the privilege of free speech. Parliamentary privilege in its various forms constitutes but one link in the chain of ideas which make up democratic constitutionalism. To pull just one fragment of one of these ideas out of its context and fasten it, without its rational accompaniments, on our constitution, is to introduce a reform of very doubtful value. I am all for freedom of speech; but for that freedom together with the means of exercising a salutary influence on him who is to regulate the use of that freedom."

—From Mr. D. V. Gundappa's Note of Dissent attached to the Report of the Representative Assembly and Legislative Council Rules Revision Committee, 1936 (The *Mysore Gazette*, November 19, 1936).

APPENDIX "C".

Balloting for Resolutions in the British House of Commons.

"*Numbers are assigned* by the ballot paper *to the names or signatures of the Members* intending to give a notice, and slips of paper bearing corresponding numbers are folded up and placed in the bollot box. When the Speaker has called on Members to give their notices of motions, the clerk assistant, having shuffled the slips of paper, draws them out, one by one, and notifies to the house the number that has been drawn out. The Speaker thereupon announces the name of the *Member to whose signature that number is attached* upon the ballot paper; and, following the Speaker's call, each Member, in his turn, rises and states the notice which he gives, and the day that he has chosen for the motion. In order to secure the precedence obtained by the ballot, he must hand in a copy of his notice at the table on the same day before the rising of the house. When the ballot paper has been called over, Members whose names were thereon, and other Members, may give further notices."

—*Parliamentary Practice* by Sir Erskine May.
(Page 241, 11th Edition, 1906.

53

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